

STATE OF CALIFORNIA
MEETING OF THE
CALIFORNIA INSPECTION & MAINTENANCE REVIEW
COMMITTEE

Wednesday, October 26, 2005
California Air Resources Board
1001 I Street, Sierra Room
Sacramento, California

MEMBERS PRESENT:

VICTOR WEISSER, Chairman

JUDE LAMARE

DENNIS DECOTA

JEFFREY WILLIAMS

ROGER NICKEY

BRUCE HOTCHKISS

ROBERT PEARMAN

MEMBERS ABSENT:

CHUCK FRYXELL

TYRONE BUCKLEY

GIDEON KRACOV

PAUL ARNEY

ALSO PRESENT:

ROCKY CARLISLE, Executive Officer

JANET BAKER, Administrative Staff

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P R O C E E D I N G S

CHAIR WEISSER: Okay, folks. I think we're going to have to, by necessity, get started. And we'll get started, as you can see, without a quorum. We need seven people in order for us to take any action, so we'll defer items that will require action until the arrival of our missing, but anticipated members. Let me introduce myself. My name is Vic Weisser. I'm the Chair of the Committee. And then I'll ask the rest of the Committee to just introduce themselves briefly. We'll start from the far right. Our bearded gentleman will start first.

MEMBER HOTCHKISS: Bruce Hotchkiss, and I would apologize for not being here for the last two months, but I have been otherwise engaged. I am glad to be back.

MEMBER WILLIAMS: Jeffrey Williams.

MEMBER HISSERICH: John Hisserich.

MEMBER LAMARE: Jude Lamare.

MEMBER NICKEY: Roger Nickey.

CHAIR WEISSER: Roger, a special welcome to you. I wasn't here at the last meeting and I understand that it was ably led by Jude Lamare in my absence.

MEMBER NICKEY: Absolutely.

CHAIR WEISSER: We have a pretty busy agenda today with many, many reports. I'd like to, when we start off though, because we have two new members, Rocky, suggest that next month we bring back those fundamental principles that we adopted two

1 years ago as to what the purpose of this Committee or it's kind
2 of mission as it's set for itself would be. So I think it would
3 be good for us to chat with that with our new members, see if
4 they have any ideas or suggestions in terms of modifying them.
5 So could you make sure that's - put it as an agenda item as a
6 review our mission statement, such as it is.

7 MR. CARLISLE: Will do.

8 CHAIR WEISSER: Rocky, as you know, we're missing four
9 members that we knew weren't coming. Those are Tyrone Buckley,
10 Chuck Fryxell, Gideon Kracov, Paul Arney. We are expecting both
11 Mr. Pearman and, as I've indicated, Mr. DeCota forthwith. We'll
12 defer, until one of them arrive, the review and approval of the
13 minutes from the past two meetings and just turn directly into
14 our report from the Executive Officer, Rocky.

15 MR. CARLISLE: Thank you, Mr. Chairman. It's
16 relatively short, which isn't a bad thing, but for the most part
17 I've been working on the preconditioning survey. We have
18 completed sampling the smog check stations around the state. We
19 completed 397 surveys. It took us an additional 260 some odd
20 calls to complete those because we did have some people that
21 preferred to opt out. All in all, the shops were very
22 cooperative. We thought that maybe there would be more
23 dissention, if you will, about collecting some of that data, but
24 most of them were only too happy to do it. Some of them were
25 just too busy to participate and we certainly understand that.

1 We do have a draft report - (phone disconnecting) thank you,
2 Vince.

3 We do have a draft report, but it's a very rough draft and
4 Steve and I have not had a chance to actually review it
5 together. He completed that last week. And essentially, it
6 appears that most of the technicians are actually conscientious
7 about warming up the vehicles. The question is how much
8 inconsistency is there, and there appears to be a lot. So maybe
9 that's contributing to the issue of a vehicle failing at one
10 station, then passing in another and visa versa. So we're going
11 to have a report for the Committee next month in November, which
12 is November 22nd, the next meeting.

13 And I should mention too that Chris Ervine brought up an
14 issue with when we were talking about people not knowing whether
15 or not a vehicle had passed previously - passed or failed,
16 rather. And I was in error because I wasn't aware that the EIS,
17 they would actually get a message on the emissions inspection
18 analyzer if the vehicle had previously failed in the last 90
19 days. However, not all technicians either use that or are aware
20 of the vehicle failure prior to actually testing the vehicle.
21 So I just wanted to correct that statement because we did have
22 some discussion back in August, I think it was.

23 The other issue was I'd gone down to L.A. last week and
24 spent part of the day with Dr. Don Steadman (phonetic) with
25 regard to remote sensing. John Hisserich was there, as was Bob

1 Pearman, and it was an interesting exercise, if you will. We do
2 have some video that I'll present again next month in a little
3 presentation about remote sensing. I was hoping to have the
4 remote sensing report, but that, as I understand it, is not
5 ready as yet.

6 CHAIR WEISSER: Are there any particular comments that
7 you want to make to explain what you mean by that interesting
8 term interesting? Whenever I use that it means uh - oh, there
9 are some challenges.

10 MR. CARLISLE: No way. I don't think it was. I just
11 think it was fascinating. I haven't been involved in remote
12 sensing and so just watching the cars as they went through the
13 remote sensing trap it appeared that one out of a hundred was a
14 very high emitter. And a couple of times - you know - sometimes
15 you'd like to sit and try to guess which vehicle that is and out
16 of boredom we did that a couple of times as they were coming up
17 the ramp, and more often than not I think we were wrong because
18 just from the outside appearance you'd say geez, I'll bet that's
19 a really high emitter vehicle. But they'd come through clean.
20 And that pretty much concludes my report.

21 CHAIR WEISSER: Well, Rocky, the survey is something
22 that we've all followed - you know - its progress with interest
23 and it's no surprise to me that you found the station folks very
24 cooperative and responsive and trying to do the right things.
25 My experience over the years has been very positive. My last

1 experience was a month ago where I dutifully went to a smog
2 station. I will only identify it by saying it's a test and
3 repair station in Oakland where I live. Well, I guess I'll go
4 further. It was a Broadway Terrace Union 76 Station and I just
5 want to say - I didn't identify myself, of course, but the folks
6 that are running that station, and in particular a gentleman
7 named Quang Dwong (phonetic) were extraordinarily professional.
8 I asked him some really dumb questions and he responded treating
9 me gingerly as an ignorant consumer, which I am much more often
10 than not. I asked him a little bit about preconditioning and he
11 said, yeah, we will run the engine for a certain number of
12 seconds to ensure it's up to operating speed. When I received
13 the report, he asked me if I wanted to go over it in detail. He
14 spent a couple minutes with me going over the stuff. He was
15 terrific and as a representative of the industry, both test and
16 repair and test only, he's the kind of guy you want on your side
17 of the team.

18 We now have a quorum. Mr. DeCota has joined us after
19 making his way through the mist and drips from lovely Napa or
20 Sonoma or wherever you were coming from today. So we do have
21 quorum. With a quorum present then, I'd like to move back to
22 the beginning of the agenda and ask for the Committee to review
23 and approve individually the minutes from our past two minutes.
24 We could not - meetings. We could not approve the minutes last
25 month because we lacked a quorum. So the first minutes that I

1 will ask you to review, and if you have reviewed them make a
2 motion for approval, will be from our August meeting.

3 MALE COMMITTEE MEMBER: I'll move approval of he
4 minutes of the August 23rd meeting.

5 CHAIR WEISSER: Is there a second?

6 MEMBER DECOTA: So moved.

7 CHAIR WEISSER: Mr. DeCota seconds. Is there any
8 discussion of the minutes? Hearing none, all in favor of
9 adopting them please signify by saying aye.

10 MALE COMMITTEE MEMBER: Aye.

11 MALE COMMITTEE MEMBER: Aye.

12 CHAIR WEISSER: Any opposed? Hearing none, they're
13 approved.

14 MEMBER LAMARE: Abstained.

15 CHAIR WEISSER: An abstained from Jude, who was absent
16 at the time.

17 MALE COMMITTEE MEMBER: And I will abstain as well as
18 I was absent.

19 CHAIR WEISSER: That still provides five votes and
20 since we have a quorum present, that's sufficient. We will now
21 move towards the adoption and approval of the minutes from the
22 meeting of September 27th. So have you all had a chance to
23 review those minutes?

24 MR. HISSERICH: Yes, I'll make a motion to approve
25 those minutes.

1 CHAIR WEISSER: Mr. Hisserich makes such a motion. Is
2 there a second?

3 MEMBER WILLIAMS: Yes.

4 CHAIR WEISSER: Mr. Williams seconds. Is there any
5 discussion? Hearing none, I'll ask for those in favor of
6 adopting the minutes to signify by saying aye.

7 MALE COMMITTEE MEMBER: Aye.

8 CHAIR WEISSER: Are there any opposed? There's one
9 abstention, that's me. I was not here.

10 MEMBER DECOTA: Oh, I will abstain.

11 CHAIR WEISSER: And Mr. DeCota is abstaining.

12 MEMBER HOTCHKISS: I will, Hotchkiss as well.

13 CHAIR WEISSER: And Mr. Hotchkiss is abstaining. So we
14 have precisely four votes in favor of adopting the minutes, and
15 that's sufficient. The minutes are hereby adopted. Very good.
16 Dennis, in your absence we went thought the Executive Officer's
17 activity report. Rocky will be standing by after the meeting to
18 review that with you again at your convenience. And we'll move
19 right now into a discussion of the IMRC budget. Rocky?

20 MR. CARLISLE: This is an issue we discussed last
21 month a little bit. I just reviewed the fact that we have two
22 funding sources. One is the Air Resources Board, which is
23 roughly \$150,000. And BAR, which was \$150,000. And these
24 amounts were agreed to in January of 1999 by a Mr. Keller
25 (phonetic), who at that time was the Chief of the Bureau of

1 Automotive Repair and Mr. Michael Kenny (phonetic), who was the
2 Executive Officer at ARB.

3 In 2000 - (coughing) excuse me. In, I believe it was 2001,
4 the budgets were reduced due to the problems with the state
5 budget and we actually lost a temporary position. So currently
6 the BAR side of the budget is about \$135,000 and the ARB budget
7 is somewhat in a state of flux because things have changed since
8 those originally went into affect. The way it was originally
9 supposed to work was the DCA was essentially going to support
10 our office space, IT, that kind of thing, pay my salary, but now
11 we're housed within the ARB building so they're defraying that
12 expense. They're also defraying postage. So it works out now
13 that with facilities and postage, ARB is contributing about
14 \$12,000 for that. They're also paying for our consultant,
15 Dr. Steve Gould (phonetic). They take care of the meeting
16 rooms, the web cast, the event recording, and they also have a
17 master contract with Sierra Research that we can tap into for
18 some analysis. Probably not a lot, but there is some time on
19 that contract available that I understand that we can use.

20 The other issue is Jude Lamare brought up the idea of
21 grants last month and I have researched that a little bit. We
22 can, by law, participate in the grant process for grant funding
23 for research. And so I'm going to see about a grant writing
24 class, if you will, because I understand they're very technical
25 in nature before they're submitted, and we'll see about getting

1 some grant money. So that's pretty much the state of the budget
2 as it sits right now.

3 CHAIR WEISSER: Let me just start off by asking in
4 terms of this current budget year, we're on track to stay within
5 our means. Is that not so, Rocky?

6 MR. CARLISLE: Yes, we are.

7 CHAIR WEISSER: Okay. Has there ever, to your
8 knowledge, been a time where there's been a direct allocation of
9 funds by the legislature to this Committee?

10 MR. CARLISLE: Not to my knowledge, no. The statute
11 simply says that we will be supported by ARB and BAR.

12 CHAIR WEISSER: You know - we've heard over the years
13 concerns by the public, and mostly by folks involved in the
14 industry, that our independence is potentially compromised by
15 the fact that we receive money from agencies whose work we're
16 supposed to be independently reviewing. And in fact, early in
17 the country's - the United State's life as a nation, I think
18 there's a fairly famous court case where a Supreme Court Justice
19 said something along the lines of the power to tax is the power
20 to destroy. And we've all heard stories about the notion that -
21 you know - he who has the money or she who has the money is the
22 one who calls the tune. Now, I think you'll be able to find
23 representatives from both the Bureau of Automotive Repair and
24 the Air Resources Board that could only wish they could shut us
25 up at times with money. That's not been the behavior of this

1 Committee that I've seen either since I've been on it or before
2 I've been on it. But there is a perception issue. However,
3 considering our knowledge of the history, it seems very, very
4 unlikely that this Committee ever will be a recipient from the
5 state of a direct allocation. We're always going to be getting
6 our money through some agency or another. At least that's my
7 expectation. I'm personally not troubled by that.

8 What I am troubled by is how do we figure out how much is
9 enough? What's too little? What's too much? And I guess I'd
10 invite some input and advice from members of the Committee as to
11 their sense of whether the amount of funding, both for internal
12 staff and for independent consultants is sufficient. And if
13 not, then I suspect what we need to do is sit down with both the
14 Bureau of Automotive Repair or the Department of Consumer
15 Affairs and the Air Resources Board in order to see if we can
16 negotiate a different amount. I like the notion of trying to
17 identify if there are potential funds outside of the normal
18 state process but - you know - when you're dealing with kind of
19 baseline program issues, we might need to review the structure.
20 So I guess I'm opening up to questions as to whether Committee
21 members feel that we should just enter into a discussion, and
22 this would be a discussion frankly among friends as to whether
23 or not the budget process is providing us with sufficient
24 resources in order to do our work. And if it is, fine. If it's

1 not, any suggestions as to where we need to buff it up I think
2 would be appreciated. Any comments from anyone? Jude?

3 MEMBER LAMARE: Well, just a thought. When I suggested
4 that there might be some opportunity in looking for grant funds
5 for research by the Committee, I was also thinking there are
6 maybe topics that the Committee feels, based on public testimony
7 and our evaluation independent of the agencies of how the
8 program's working, that the Committee may feel there are topics
9 that need researched that the agencies do not feel are top
10 priority or not really important to them or significant to their
11 work. And that there may be parties, including nonprofit
12 foundations, the federal government, or other parties to whom
13 those topics would be of interest, that perhaps have a longer
14 term issues and consequences in the implementing the smog check
15 implementing agencies can look at. And that our Committee, as
16 an overview Committee, is removed from the implementation
17 process.

18 We are not responsible for implementing the program. We
19 have a unique position both within California government, but
20 also because California has the largest smog check program in
21 the world and the most advanced in many ways, that we're
22 uniquely situated and there may be other parties who are
23 concerned and interested and that might be partners with us in
24 research. And we should be open to seeing whether that is the
25 case and what they might have to suggest to us. And if the

1 agencies are not interested in the topics that we're interested
2 in, that we may have other partners who would come in with
3 independent funding. That was my thought.

4 CHAIR WEISSER: Well, thank you. I think the notion of
5 looking outside for partners that might be interested in joining
6 us in research is a terrific idea, but I am also reminded of the
7 first cycle of the Committee's report to the legislature after I
8 was appointed. One of the things that we wanted to look at was
9 an audit, like an audit that's been done in the past - an audit
10 of the funds to make sure that they were being properly used.
11 And we were at breadth of any funding in order for us to be able
12 to engage an auditor. So our review of the funding was frankly
13 limited to a series of calls. And yeah, I think you went to a
14 couple meetings, Rocky, and I did a bunch of phone calls, but we
15 really didn't have the capability of doing an independent audit.
16 We don't have the funding to do that and I know on occasion,
17 once again, it's an issue that the public has raised.

18 I'm gonna be silent now. I just don't know whether the
19 baseline of the budget provides us with the sort of funding that
20 we need in order to do our job. Dennis?

21 MEMBER DECOTA: Thank you, Mr. Chairman. Dennis
22 DeCota. As senior member on the Committee as far as tenure -

23 CHAIR WEISSER: And age.

24 MEMBER DECOTA: And age, probably. It seems that we
25 have, over the years, been somewhat reactive and not proactive

1 in order to take and put together a positive future planning of
2 smog check program and how that program affects both public and
3 private partners in this program. And I think it would behoove
4 us to look into having those additional fundings to do
5 demographic studies and understand programs and goals, and set
6 goals that we can work with both agencies to take and have a
7 more active, a more acceptable smog check program. And I
8 believe that's part of our charter, is to do those type of
9 things. We've never had the - really the funding or been able
10 to utilize the funding to do that. But with the Committee
11 makeup as it is today, I think we have a unique opportunity to
12 move forward and be proactive in reducing levels of emissions.

13 CHAIR WEISSER: Thank you. One of - I'm sorry. One of
14 the challenges that we face, of course, is the timing of the
15 state's budget cycle. My recollection from my years in state
16 government is that by this time budgets have been submitted, at
17 least to the agency level, and they're being reviewed at agency
18 level before going into the Department of Finance and wherever
19 else budgets go for detailed review. So this discussion for the
20 current time may be a bit academic.

21 But I guess one of the things that I would suggest, and
22 Rocky, I'd like you to perhaps follow up with the full Committee
23 since we're missing so many members, is to send an e-mail out to
24 the Committee members asking if there are ideas that they would
25 like to see pursued by this Committee. And we can use that and

1 do some legwork to try to figure out what the idea is and what
2 it might cost. And then bring it back at some point in time to
3 the Committee to see whether the idea enjoys the support of
4 multiple Committee members. And at that point we can begin to
5 entertain discussions with the agencies regarding the
6 availability of resources in the current budget year to get
7 something started. And if not, begin the process of developing
8 a rationale for asking for what resources we think are necessary
9 for us to do the job.

10 So if you could just kind of send something out to the
11 group soliciting issues which they think we should be involved
12 in that currently we're not able to because of funding. I'd
13 make no judgment whatsoever on what Dennis said or what I said
14 in terms of - you know - and it might be desirable to have an
15 independent audit. Let's see what suggestions might come in
16 over the next thirty days from Committee members. And in fact,
17 I will open that up to the public. If the public has any
18 suggestions as to issues that the Committee should look at, get
19 them to Rocky and we'll take a peek at them once again.

20 MALE COMMITTEE MEMBER: ARB and BAR too.

21 CHAIR WEISSER: And I'd love ARB and BAR to give us
22 suggestions as to what they think we might want to be focusing
23 on. Now, we're not going to be able to do everything that comes
24 up. We probably won't even be able to do many things that come
25 up, but maybe there's one or two things that might pop up that

1 will seem rational to a broad spectrum of stakeholders among us.

2 Did you have a comment, Bruce?

3 MEMBER HOTCHKISS: Yeah, I think we could use some
4 more funding. I also wanted to - I think I'm the second longest
5 sitting member up here. And I - you know - this Committee, in
6 the age where people look at government as - you know - we spend
7 way too much, this Committee has been extremely frugal. You
8 know - I think we've, especially in recent years have
9 accomplished a lot with very, very little, and I - you know - I
10 don't see a big bump in the budget isn't what people really want
11 to see. But we do need some more money, because I know in the
12 past Ms. Lamare has talked about - you know - studies and we've
13 been kind of hampered in doing things that, like you talked
14 about the audit, and some other consumer studies and things like
15 that because the funds haven't been there. I don't think the
16 Committee's going to change in our tight spending ways, but I
17 think we could have some more money and it would improve the
18 product.

19 CHAIR WEISSER: Well, I think the - that's the open
20 question, is - you know - do we have things where if we had
21 funds we could kind of add value to what we're doing? The state
22 is facing, now and in the foreseeable future, extraordinarily
23 difficult times with the budget. We're not going to go out on
24 some sort of wild goose hunt, but if there are issues that we
25 think are part and parcel of the statutory charge that this

1 Committee has, then we need to ask for the resources to do them.

2 And I would like to acknowledge that Mr. Pearman has
3 arrived, and welcome, made it through the rain. Rocky stands
4 ready following the meeting, Bob, to give you a rundown of the
5 Executive Officer's report. We're just finishing up a
6 discussion on budget.

7 Any further comments from the Committee? We'll ask for
8 some brief comments from the audience. You'll remember we have
9 a three minute time limit. There'll be an orange light that
10 will go on when you have one minute left and when the three
11 minutes comes, a red light will appear. And shortly thereafter,
12 an electroshock will transmit through your shoes. And Mr.
13 Peters.

14 MR. PETERS: Chairman and Committee, Charlie Peters
15 (inaudible).

16 CHAIR WEISSER: Can you hear? Charlie, can you hold
17 on, and can you stop the time for a moment? Could you move the
18 microphone down a little, Charlie? I'm not sure you're speaking
19 into it and is the little red button on there? Could you,
20 Janet, give - Rocky, would you give him some help? Now, would
21 you just speak into it and let's see if we can hear you?

22 MR. PETERS: Yes. Mr. Chairman?

23 CHAIR WEISSER: Okay. We're on. So let's go back to
24 the timer. Thank you, Mr. Peters.

1 MR. PETERS: I'm Charlie Peters, Clean Air
2 Performance Professionals. We're a coalition of motorists.
3 Issue number one, Rocky mentioned the issue of the notice to the
4 smog check provider as to whether or not a car previously
5 failed. I will put my little two cent opinion in there that it's
6 been being ignored for well over a decade that I think it's
7 appropriate for that notice to be withheld until such time as
8 all decisions are made as to pass the car. And then at that
9 point the provider should be provided the information that it's
10 previously failed and given the option to review his test or do
11 what he thinks is appropriate. And that a very small segment of
12 those cars should be selected to be reviewed by the state
13 contracted referee or by the Bureau of Automotive Repair.

14 Item number two, it was mentioned that the contractor,
15 Sierra Research, will have availability to provide research for
16 the Committee. I have had some significant differences of
17 opinion with Sierra Research, clear back to the original
18 Committee. I will state my opinion that I don't believe that
19 that's necessarily a good idea. I believe that should - the
20 Committee should provide itself the ability to have other
21 options other than that. I'm not saying that that's not an
22 appropriate thing for you to do, but I think that you should
23 have additional possibilities.

24 Item number three, the issue of Committee funding. I think
25 the Committee has a very unique position, as was stated, where

1 you have the ability to have - it's the only Committee in the
2 state, probably in the country, that has direct access to the
3 governor and the legislature without anybody in between. I
4 think that it would be appropriate to consider the possibility
5 of requesting specific funding for the Committee, which would
6 eliminate perceptions of conflicts because your task, in my
7 perception, is one of evaluating and communicating the very
8 places that are providing the funding. I think that you ought
9 to at least consider the possibility of asking for your own
10 funding to create the best possible perception and outcome of
11 the Committee. So those are the things that were of interest to
12 me.

13 CHAIR WEISSER: Thank you, Mr. Peters. Please, Bud.

14 MR. RICE: Good morning. My name is Bud Rice
15 (phonetic). I'm with Quality Tune-up Shops. Boy, this is a
16 little more intimate than I'm used to. Hi, everybody. Couple
17 things, I apologize for being a little bit late, so I missed the
18 earlier part of the meeting. But I would like to comment
19 specifically on what was happening when I came in, in terms of
20 the auditing and that kind of thing.

21 I guess my comments are it's almost like in bowling where
22 you know what happens because did any pins fall down or not,
23 right? And I guess sometimes I go away from these things
24 wondering if we made any difference or not, quite honestly.
25 Okay? So I think it might be of some use to have some kind -

1 I'm going to call it a scoreboard - to have some kind of a
2 scoreboard where you could say, here's what the Committee heard,
3 industry, private citizens, experts in the field. Here's what
4 the Committee's recommendations to the legislature were, and
5 here's what the outcome of that was. Was it accepted? Was it
6 not accepted? Did they accept it with prejudice? Did they not
7 accept? You know - what kinds of things happened as a result of
8 us getting together and having some fun together every so often?
9 Thank you.

10 CHAIR WEISSER: Thanks. That's a radical idea of
11 having folks actually monitor performance of an agency or an
12 organizational entity, and I for one would volunteer this IMRC
13 as - you know - the first sample in the experiment. No, it's
14 not the first, because if you look at the state budgeting
15 process, each and every state agency has to come up with
16 performance measures. This has been instituted now for about
17 ten years. I don't know how many folks read them, but they're
18 supposed to come up with measures of what are you getting for
19 your tax dollar? And I have no problem with that sort of
20 performance accountability being placed upon the IMRC as to the
21 expenditures of our funding. And indeed, when we check in with
22 the agencies on budget issues we should chat with them about,
23 since we don't have an element of the budget, having an element
24 of the IMRC's activities reported as part of their program
25

1 budgets. Scorecard, I kind of like that idea, but thank you.
2 Chris?

3 MR. WALKER: Mr. Chairman, members of the Committee,
4 Chris Walker (phonetic) on behalf of the Automotive Repair
5 Coalition and the California Service Station Automotive Repair
6 Association. You mentioned in the budget discussion that there
7 was some time left on the Sierra Research contract that could be
8 used by the I and M Review Committee. There was also discussion
9 about the perception of the independence of the Committee with
10 ARB and BAR.

11 Sierra Research is one of the finest research organizations
12 on the West Coast. There's no question about it. They have
13 some of the best scientists, some of the best staff. No
14 question about it. However, because this Committee is tasked
15 with reviewing ARB and BAR's information in studies and making
16 recommendations independently to the legislature, it would be
17 appropriate that you'd use an independent analyst - a different
18 group than Sierra Research. I'm not besmirching Sierra Research
19 performance or like that. These are true professionals.
20 However, it would be appropriate that you have the resources
21 available to hire an independent company to come in and look at
22 ARB's findings and studies that have been performed by Sierra
23 Research, so.

1 CHAIR WEISSER: Kinda hard to be able to get an
2 independent review of some work done when you're hiring the
3 person who did the work to do it.

4 MR. WALKER: Exactly the point.

5 CHAIR WEISSER: And Sierra, as you said, has done great
6 work. I would contest the concerns Mr. Peters put forward.
7 They've done some great work over the years, but it's really
8 kind of absurd to ask the - you know - the folks that are doing
9 the work to then do an independent evaluation of how well they
10 did the work.

11 MR. WALKER: Exactly the point. If in fact, this
12 Committee is to be independent of both agencies, both bureaus,
13 both boards reporting directly to legislature, the
14 recommendations of this Committee, it needs to be reliant upon
15 independent contractors.

16 CHAIR WEISSER: So I guess that - thank you very much,
17 Chris - the purpose in bringing the discussion toward this end
18 is to just make it clear and put it on the record that as it
19 stands now, we do not have funding to perform an independent
20 review of the work. We have been very fortunate with great
21 support from both BAR and the Department of Consumer Affairs to
22 give us funding in these incredibly difficult budget times to do
23 what we have been able to do. But we do not have independent
24 funding - I mean - funding to go out and hire an independent
25 consultant to do that type of work, or an auditor or whatever.

1 Are there any further new comments? Mr. Peters, briefly,
2 please.

3 MR. PETERS: Thank you, Mr. Chairman. I would like
4 to clarify my opinion about Sierra. I indicated that there were
5 occasions that we had differences of opinion and that was
6 specifically over the issue of test only, as a matter of fact -
7 or contracted test only initially in the initial inspection. I
8 will say that their reports have been as thorough and as good as
9 anybody's I've seen, but my point was I think what the previous
10 speaker said is right on the money. They are of a significant
11 contract to both of the agencies that you're evaluating, so
12 having them evaluate for you is certainly - needs some
13 consideration before you go forward.

14 CHAIR WEISSER: Thank you, Charlie. That does help
15 clarify it. Okay. We're going to conclude this portion of the
16 discussion by, I'll repeat we're going to send out something to
17 the full Committee asking the Committee to identify areas that
18 they think might be worthwhile for us to be looking at. And
19 it's basically going through a work planning process, what we're
20 going to do. We'll solicit those suggestions also from members
21 of the public and from the agencies. And I particularly would
22 be interested in, from the agencies, getting their perspective
23 on where, if any, places this group of people can add value to
24 the process of managing, overseeing I should say, this important
25 program. I'm wide open for suggestions as to what we might do

1 to add value. And just give us a - you know - at the next
2 agenda meeting let's have this on just for further discussion.
3 This is not going to be a short-term sort of exercise. It also
4 gives the newer members of the Committee the opportunity to
5 pitch in with kind of new eyes as to what they think we might be
6 doing. So that's what we'll do.

7 We'll next move to item number six, which is a presentation
8 by Dr. Tom Cahill on particulate matter. PM being perhaps the
9 top priority for the Air Resources Board over the past couple of
10 years, and I believe through the next decade.

11 MR. CARLISLE: (inaudible).

12 CHAIR WEISSER: Tom, is this something that we need to
13 duck so that folks can see? Should we get out of the way?

14 DR. CAHILL: We actually have copies over on the far
15 side of the presentation.

16 CHAIR WEISSER: Okay. We have them up here on our
17 screen. As long as Dennis turns off playing Nintendo, we can
18 watch it.

19 DR. CAHILL: I think you're doing just fine.

20 MR. CARLISLE: Mr. Chairman, I'd like to point out
21 that the slides that you have in the handout are going to be a
22 little bit different than the ones you just gave me about ten
23 minutes ago. So there have been a few modifications.

24 CHAIR WEISSER: Science changes. Do you want to give
25 an introduction of Dr. Cahill?

1 MR. CARLISLE: Yes, Dr. Cahill is a researcher at U.C.
2 Davis and he contacted me, or we made contact about a month ago
3 when he published the document that is also available on the
4 table over here for the American Lung Association regarding
5 particulate matter. And while I don't know a lot about Dr.
6 Cahill, it appears he's done significant work in particulate
7 matter research.

8 DR. CAHILL: Thank you. Thank you very much to the
9 Committee. Yes - the mic on?

10 MR. CARLISLE: I don't believe so. See if the green
11 light's on.

12 CHAIR WEISSER: Is there a green -

13 MR. CARLISLE: On the top of the mic on the platform.

14 DR. CAHILL: Got it. We're in business. I
15 appreciate the chance to talk to this Committee. As Rocky had
16 mentioned, I've been at this for quite a while and my own area
17 is in fact in physics. And in the early years of the 70's I was
18 deeply involved in the question of the catalytic converter, lead
19 from cars, I wrote the legislation on the self-reduction in
20 gasoline, and so on. And so I was involved with Air Resource
21 Board and Cal Tran's predecessors on the question of highways
22 and the impact on local vicinities, the question of lead
23 removal, and so on.

24 Since that was all solved by 1978 I moved on to a cleaner
25 climate, shall we say, of Owens and Mona Lake (phonetic), Lake

1 Tahoe, and so on, and then became the developer and contractor
2 to the National Park Service and the USEPA of the Improved
3 National Air Network, which I then ran for 20 years. Now, the
4 thrust of it was visibility and the question of that turned into
5 things like global climate.

6 But around 1994, some very important research came out of
7 Harvard University called a six-city study tying fine particles
8 and human mortality. At about that time I was interested in
9 getting back into this area, so I volunteered with the Lung
10 Association and the Cleaner Air Partnership, Jude Lamare, and
11 became up to speed then in the question of particles and human
12 health. And so that started a ten-year program which led to
13 those documents you see in the side. And by the way, the term I
14 believe, frugal was used up here at some point or other. The
15 total cost of the four-year study of the Lung Association was
16 \$16,000, plus a lot of very good volunteer effort. And one of
17 the joys was that working with people who knew what they were
18 doing, and these were volunteers from the Air Resources Board,
19 the local air districts, Department of Health Services, so it's
20 just been a joy to work with this group. They're very
21 knowledgeable people. So anything I do in this regard is really
22 a joint effort. I'm merely the spokesperson.

23 So getting involved in this area, it was also at the same
24 time I became contracted to the USEPA on the question of ultra
25 fine particles. It was very clear that some animal studies

1 showed that there was a certain component of the atmospheric
2 aerosol is more dangerous than the rest. And it was also clear
3 to the EPA scientists that the regulations that are promulgated
4 in terms of PM-10 and PM-2.5 mass were not properly addressing
5 the health effects associated with these particles. And so we
6 started a long policy working on the EPA criteria document to
7 try to identify those components, in fact, they need to be more
8 closely monitored, checked, and cared for.

9 The Air Resources Board started a parallel process leading
10 to their identification of diesel exhaust being 70 percent of
11 all the toxic air contaminant affecting California, which has
12 now been modified up to 85 percent. And then followed by this
13 statement three lines later that the Air Resources Board does
14 not routinely monitor diesel particulate matter. So that sort
15 of dragged me back into the field sort of kicking and screaming
16 and - you know - I breathe this air too.

17 So the presentation I have is designed to be simply a
18 summary of some of the work I've been doing. Now, we have the
19 great fortune in the course of my work in global climate, we
20 develop new techniques for analyzing particulate matter at very
21 high sensitivity. Result was we became subcontractor to almost
22 anybody in the United States studying diesel particulate matter.
23 And so I have access then to data, which has not in fact
24 appeared anywhere. Some of it's refereed, some of it's not.
25 And so we tend to have an early warning of what's coming up.

1 I'd like to have this Committee have an idea of things that
2 will be appearing in the refereed literature in the next six
3 months, next year, and so on as they might modify the question
4 of does California in fact, need to look at particle emissions
5 from cars and trucks?

6 This is the result of the first study we did for the Air
7 Res - for the Lung Association. We looked simply at the
8 particulate matter in California and see if the same effects
9 that we're seeing in the six-city study in the East happen in
10 California. My personal preconception was it would not happen.
11 And the reason was because the aerosols are so, so different.

12 The worst site in the six-city study was Charleston, West
13 Virginia and I've been there. You don't want to breathe. You
14 bring bottled air along with bottled water. It's an industrial
15 section deep in the valley and so on, and I couldn't conceive
16 that the Sacramento valley, with its very different sources and
17 a more rural ambiance, had the same affects. Yet, to my great
18 surprise, we found the effects are almost identical going from
19 Shasta in the North to Kern County in the South, that the rate
20 of ascemic (phonetic) heart disease death rate is closely tied
21 to the amount of particulate matter in the atmosphere.

22 CHAIR WEISSER: So just a question for clarification.
23 Ascemic means what?

24 DR. CAHILL: Oh, sorry. Ascemic heart disease is a
25 situation where the human heart grows in size, becomes weaker,

1 and succumbs easily then to a heart attack. It's the largest
2 source of death in California. It's about 20 to 25 percent of
3 all deaths.

4 Now, at the same time, animal studies have come out showing
5 that we had been really sort of missing the ball for particles.
6 Unlike ozone, which is highly reactive, the particles go deeper
7 into the lung, into the bloodstream, and they end up elsewhere
8 in your body, in some cases in the heart. So the animal studies
9 showed in fact that the cardiovascular system was severely
10 impacted by particles on a long, slow basis that they simply
11 build up over time. So this became very worrisome.

12 MALE COMMITTEE MEMBER: May I ask a question? May I
13 ask a quick question?

14 MR. CARLISLE: Yeah, just only questions for
15 clarification.

16 MALE COMMITTEE MEMBER: Okay. Yeah, the ascemia is a
17 result because of the fact that the difficulty of the oxygen
18 exchange in the lungs makes it that the heart has to pump harder
19 to occur, and that's why the heart enlarges. Because the
20 particulates wouldn't enlarge the heart directly, but the labors
21 of the heart to overcome the affects of the air pollution might
22 be the issue.

23 DR. CAHILL: This is an area of controversy right
24 now, and I'm not a doctor so I don't know the effects. We find
25 the same particles you'll find in the lung though buried in the

1 heart muscle, so particles of a small size (inaudible) (phone
2 disconnecting). So the point is that the people argue is it an
3 immune reaction to the particles of the lung affects it or is it
4 the actual particles themselves? It's not known, but the
5 studies show though that the cardiovascular correlates. So when
6 we do the study of the cardiovascular here and found this high
7 correlation, it supported it. And to only lowering your point,
8 we also did carbon monoxide. No effect at all. We looked at
9 strokes, no effect at all. And ozone was very weak. So the
10 particles stood out as the strongest correlation between the
11 rate of ascertained heart disease and air pollution.

12 CHAIR WEISSER: You say the strongest correlation. Do
13 you mean the strongest correlation of - do you limit it to
14 different sorts of air pollutants that we monitor, criteria
15 pollutants and other pollutants or do you mean to lifestyle -
16 including lifestyle? I mean - what do you -

17 DR. CAHILL: By the way, the three good points you
18 made. First of all, it's only a correlation. It's not
19 causality.

20 CHAIR WEISSER: Right.

21 DR. CAHILL: As my next slide shows. Secondly, we
22 did everything we could with lifestyle because - such as
23 smoking, social economic index, male, female, age, all these
24 were in fact, covered in the report. But it is simply a warning
25 flag that there's something up there we have to know about.

1 CHAIR WEISSER: And could you just give an
2 approximation of what the actual correlation factor was?

3 DR. CAHILL: Our spread for the raw PM-10 data was R
4 square.

5 CHAIR WEISSER: That's very strong.

6 DR. CAHILL: Now, the power, this is done in 1989,
7 1991. And in fact, after that they added PM-2.5 measurements,
8 at which point the correlation went to R square of .69 raw data,
9 nothing removed.

10 CHAIR WEISSER: That's a certainty.

11 DR. CAHILL: So the point was it's highly
12 correlated. Well, the EPA got this report and the first thing
13 they asked was how much did it cost? When I told them \$5,000
14 there was a series of expletives coming off the phone. Anyway,
15 so this is the - so we started then a series of programs trying
16 to identify those areas in more detail.

17 The second point you made was this was based upon criteria
18 pollutants. Oh, yes. Oh, yes. And most of the criteria we now
19 know in the San Joaquin Valley are totally harmless.

20 CHAIR WEISSER: Uh - huh.

21 DR. CAHILL: The rats at Davis will swim in this
22 stuff. So we have a situation where the EPA is then dropping
23 the hammer on the Central Valley on things in fact that may not
24 need to be controlled and avoiding even measuring things that
25 may be critical. But California has a long history of being,

1 shall we say, proactive and we are unafraid of going out there
2 and doing it right. And other states around the country will
3 follow our lead if we do it right, so the EPA, California's
4 scientists are in a process of learning what's going on. I'm
5 trying to give you some idea of the early points, but there's
6 many questions.

7 But since you raised the question of causality behind
8 statistics, the point is that most fine particle mass appears to
9 be harmless.

10 Bob Deb (phonetic) of USEPA summarized the five top
11 suspects for the causality bad affects. And in fact they are -
12 four of them in fact, are strongly involved in diesels and
13 smoking cars. Acidic aerosol, the evidence is getting weaker.
14 Fine traces of metals affect the lung. You've mentioned John,
15 get free radicals and nasty things happen. That's beyond my
16 knowledge of - ultra fine and soluble particles. They go into
17 the lung. The lung cannot get rid of them and has to handle
18 them, not on the basis of mass, but particle by particle. It
19 encapsulates them, it shrouds them, and rats will die because of
20 it. They drown in their own lungs. And high temperature
21 organic matter. These are organics starting with Benzoate
22 Pyrene and working their way up, all of whom are nasty. Oops,
23 went too far. I have to get this thing right. Oh, fine.

24 This is a summary of the collection by the lung of
25 particles. And I put on it the measurements of PM-10, PM-2.5

1 and 0.25, which run from the level all the way to the left side.
2 So PM-10 does include, in fact, all the very fine particles. As
3 you can see, when you go about .1 micrometers in size you
4 suddenly have the lung being an extremely efficient collector of
5 particles. And that's the reason the EPA went to 2.5 instead of
6 PM-10 because there's so much soil in the thing. So the
7 particles in that mode then become highly collectible by the
8 lung. Further, the health effects show some of these effects
9 are not based upon total mass, or the number particle, or the
10 surface area. And the surface area tends to be lower in size
11 than the mass.

12 Now, the results I'm using, I'm freely borrowing. We call
13 it research. I'm freely borrowing from studies all over the
14 place. Some of which we're working with and some of which we're
15 not. The work of the Desert Research Institute (inaudible), we
16 were involved in that. The Lube Oil study for (unclear), we
17 were not involved in. The rest of the work we were.

18 So first of all, let's start with diesel because they don't
19 affect you directly. The compression engines are an inherently
20 dirty technology because the high compression and temperature
21 fixes nitrous oxide that's essential to the process. To have
22 high compression requires a high molecular weight fuel, which
23 tends to easily make toxic organics. The close tolerances -
24 thank you, I'm getting over a cold - make effective cylinder
25 lubrication difficult. I mean you burn up lubricating oil. But

1 I've seen a report by Piddleson (phonetic) just last week in
2 Minnesota that post-effective clean up can be very expensive,
3 but very effective, so effective, that the air coming out the
4 back of a diesel truck is cleaner than the air going into the
5 intake. Now, that I think is a criterion one would like to
6 appreciate. The same thing happened, by the way, happened with
7 the modern California car.

8 CHAIR WEISSER: Uh - huh.

9 DR. CAHILL: You can actually take the exhaust pipe
10 through the passenger compartment and not violate any standards.
11 But the correlation of small versus large yields is critical.
12 You go to a small diesel engine; the volume versus the surface
13 area gets disfavorable, long haul and short-term operations.
14 I'll show you an example.

15 So these are data now from the University of Minnesota,
16 Diesel Truck Studies. And what I'm looking at here,
17 unfortunately the small particles are in the far right. That
18 was the way the contract required it, but the rest of them will
19 be different. And I put on here the mass of particles, which is
20 in the red line, the sulfur coming out of particles in the green
21 line, and then other elements that we saw below, going from very
22 ultra fine particles in the far right over to PM-10 in the far
23 left. And this, by the way, represents probably 60 percent of
24 the trucks they checked.

1 Now, where does it come from? The sulfur was only in the
2 fuel, so it's a measurement in a fuel combustion. The mass,
3 likewise, mostly from the fuel. Note the size of the particles,
4 .1 to .056 micrometers. These are exactly the size the lung
5 does a wonderful job in retaining. Regretfully - okay.
6 Anyways, I've labeled everything.

7 Now, first of all, how can we separate? It turns out that
8 lubricating oil used in it had zinc pyrophosphate as a
9 stabilizing agent. And so we see zinc and phosphorous, then,
10 coming from lubricating oil. We see the sulfur from the fuel.
11 We also saw calcium. I said what? That's soil. No, it's Tums.
12 Calcium Carbonate is an antacid used in oils to get rid of the
13 acids. And then for reasons I don't understand, there's even a
14 little bit of lead there. Now, the red line, by the way, is 200
15 times larger than the yellow line. So the other ones are all
16 trace elements, the red squares are the actual mass.

17 Roughly 30 percent of the engines look like this. Now,
18 these are good engines. None of them were listed as being
19 smoking or anything. So these are engines being run in a
20 laboratory at Minnesota as part of major tests, yet they look
21 like this. Look at the green line first. There's the signature
22 of the fuel combustion fuel. By the way, it's California fuel.
23 It's exactly the same level and the same amount as the previous
24 slide, but look what the lubricating oil does. It extends
25 particles way down into the ultra fine mode and way up into the

1 coarse mode. And yet, looking at the record, there was no
2 indication this was a smoking truck. 80 percent of the
3 particles by number occur because of the lubricating oil, even
4 if the mass is dominated by the fuel. So this there is a truck
5 that is spreading particles up and down.

6 Now, the Air Resources Board in a recent study was running
7 around Los Angeles with a mobile van and a very nice piece of
8 work, by the way, picking up various trucks and so on. And it
9 is not correlated being what you see. The second highest level
10 of ultra fine particles seen by Dana Westerdol (phonetic) in Los
11 Angeles came from a recent model gasoline powered van. So yeah,
12 it just shocked the heck out of me. So now, if you look at the
13 bottom, we can then take the tracers, the zinc, pyrophosphate,
14 and so on and calculate from the ratio of zinc how much diesel
15 exhaust is present.

16 Now, for the Lung Association, the job was how much does
17 the affect of highways like I-5 affect the City of Sacramento?
18 Now, before I leave that, let me talk about spark combustion
19 engines. It's a potentially clean technology. The low octane
20 fuel, thanks to all your efforts, no longer fixes N-O. Bingo.
21 Low molecular weight fuel, less toxic organics -

22 CHAIR WEISSER: Dr. Cahill, what do you mean by fixes
23 N-O?

24 DR. CAHILL: The temperature in the combustion
25 cylinder gets to a certain point. At that point then you start

1 fix nitrogen from the atmosphere, the N-2, forms N-O molecule.
2 And N-O molecules require a very high temperature combustion.
3 By dropping the octane of fuel you dropped it just below that
4 point. And so Cal - therefore there's an extremely steep curve.
5 So diesel, which requires high compression, pushes the
6 combustion into that region to get its efficiency, and so it's
7 stuck. It has to have - and so right now -

8 MALE COMMITTEE MEMBER: So it forms the nitrous
9 oxide.

10 DR. CAHILL: In the fuel.

11 MALE COMMITTEE MEMBER: The nitrous oxide -

12 DR. CAHILL: Comes out the tailpipe.

13 MALE COMMITTEE MEMBER: Goes out the tailpipe. It
14 picks up other noxious things attached to it, or is it by
15 itself?

16 DR. CAHILL: It makes ozone and other things - very
17 strong ozone producer. It's also bad (unclear). So the point
18 was - so therefore the spark combustion cars, including by the
19 way, CNG, have several things going for them. But the question
20 is we lack cylinder tolerances. SAE 40 oil thrown into a car if
21 it's been running for 100,000 miles in Los Angeles and the
22 cylinders go flap, flap, flap inside it, you can have trouble.

23 Second thing is, if you look at the value of diesel exhaust
24 over the years, which we did with Alan Girdler (phonetic), the
25 diesel exhaust truck emissions have been coming down sharply and

1 steadily, a credit to the industry. There are many large diesel
2 trucks who are essentially invisible on the highway, they're so
3 good. Again, the well maintained vehicle, the badly maintained
4 vehicle. It works for diesels. It works for cars.

5 The value for cars though are now plotted below it. Now
6 remember, a new California vehicle puts out about one milligram
7 per kilometer of particles - very low number. But the average
8 we're seeing in the field on a highway is about 14. So if you
9 look at those graphs, it turns out that the average California
10 car is now only about ten times less than the average present
11 diesel. Yet, on almost any highway around here there are at
12 least ten times more cars than diesels.

13 MALE COMMITTEE MEMBER: Could you run that by again?
14 This is for zinc or is it for total (unclear)? (overlapping)

15 DR. CAHILL: No, this is actually for mass. The
16 zinc trace I've put on there also. So in terms of the mass
17 emitted, total amount of material, the present California cars
18 are about one tenth of a well maintained diesel.

19 MALE COMMITTEE MEMBER: For particulate matter.

20 DR. CAHILL: Yes, total particulate matter, which we
21 now know is all very fine. It used to be a factor of 20.

22 MALE COMMITTEE MEMBER: Yeah.

23 DR. CAHILL: So sort of under the radar, the diesels
24 have been improving steadily. The cars have not been improving
25 on the road. Even the manufactured cars are excellent. There's

1 a disconnect between what we're seeing on the highway and what's
2 being put out there. Another way to put it is the average
3 Californian driving a new car, reformulated fuel, and new
4 converters has a very, very clean vehicle. This can be -
5 recognize that by backing off the checking points. But there
6 are cars out there that are doing us in. And that was one of
7 the jobs of the Lung Association. Can we identify those
8 vehicles?

9 Well, this work is unfortunately incomplete, the best I
10 could find as of 2002. Surprisingly little data are available
11 on cars. There's massive efforts right now on diesels. But
12 I've showed you some data from a group, that's mostly from Sea
13 Surf (phonetic) down at Riverside, showing what a smoking car
14 puts out. And then cars that had no visible smoke still had 32
15 milligrams per kilometer, when in fact a new car has one. So
16 the gross emitting smoke, and we've all seen a few of them and
17 they're pretty bad. But there's a lot of cars, roughly ten
18 percent of them, that fall in the high C-O, high H-C, no smoke
19 category, and others that have proper hydrocarbons, good
20 hydrocarbons, good C-O and still smoke because the smoke
21 particles are not well coupled to the combustion of fuel.

22 It unfortunately gets a little worse. This is work from
23 Eric Frageta (phonetic) where he analyzed the used oil from
24 diesels and the used oil from cars. You want to know how the
25 cars handle the oil and re-circulate it. Over time, that oil

1 which you see is so black, is full of the most awful things.
2 The light (unclear) (coughing) benzoate pyrene, perlene,
3 coranene, benzoate pyrene. These are highly toxic pH's that are
4 present in the oil. If the oil is burned, some of those pH's
5 come out unmodified. Are there data on this in the atmosphere?
6 Precious few. But it is an early warning flag that the cars, by
7 the way they handle they're used out, are causing us a problem.

8 So how is Sacramento doing? This is a picture of the PM-
9 2.5 mass in Sacramento for the year 2002. Remember those big
10 forest fires in Oregon? That little bump, by the way - little
11 red bump on the 7th - in early July on the 7th is, in fact, the
12 5th of July. It's fireworks. What you see then is a very clean
13 period most of the year, and by the way, thank you. Thank you
14 everybody who's done work on the rice straw burning. This part
15 of the graph over here used to be filled with rice straw.
16 That's all come down. Followed by stability in the winter,
17 those sorts of dry fogs we have where the thing just sits inside
18 of Sacramento punctuated by rainstorms. So the high peaks tend
19 to be your two or three, four, five, six day hazes and the rain
20 storms clean it out. This, by the way, is pretty much the same
21 pattern all the way from Redding down to Bakersfield, so good
22 old Sacramento.

23 This is a study they did with the - the first big study
24 with the Lung Association and what we stated was - I had to have
25 a series of air samplers that had just come back from all

1 places, China for the National Science Foundation. And so using
2 our volunteers, and we use a lot of them, we spread a line of
3 samplers from Davis, my backyard to the left, all the way to
4 Shingle Springs. Norm Cavelle's (phonetic) house is one of the
5 cleanest houses, by the way. He lives in Orangevale.

6 Now, Sacramento's interesting. We have, in fact, a nexus.
7 I-80 comes through the city, I-5, 99, and 50 and they all cross
8 within a few miles of downtown because it's forced that way by
9 the (unclear) of the delta. So we have typically 76,000 trucks
10 and 1.1 million cars a day on those four roads alone going
11 through the city. It's a much denser net, in fact, than Fresno
12 has, and in fact, rivals those in Los Angeles. So we sampled
13 there at Arden Middle School, which is well away from all the
14 highways.

15 So I-5, what's the impact? 10,000 vehicles, traffic lanes,
16 and so on, but because of the complex terrain, it's very hard to
17 calculate what the affect of I-5 is on that site of the Crocker
18 Art Museum. It's the freeway's cut, it's freeways above it,
19 there's trees, there's sidewalls, and so on. But we can use our
20 new tracer from Minnesota to estimate the diesel exhaust. So
21 here are the four sites - three sites we used. The Riverside
22 was right down at the wastewater treatment plant. The Crocker
23 site is the red star, and the Air Resources Board site is at 13th
24 and T Street. That's where the data I showed you.

1 We used these portable samplers which we can set up. It's
2 only 43 centimeters high. It was actually designed to fit under
3 the seat of an airline so you can travel with a sampler. But
4 when you walk into the airline with something that looks like a
5 thermonuclear device and so we've had zero fortunate luck. I
6 mean - I took one virtually wrapped up in tape and so on, but
7 now I just have to ship it as a complete luggage. I mean - it's
8 full of bells and whistles and even a battery. I mean - it
9 looks like a bomb. If it's a bomb, it looks like it. What you
10 get, though, if you let this thing run, what you see is a slow
11 rotation on these drums over six weeks and the particles that
12 separate it in size. Now, what I want to say is that by
13 separating in size, it makes everything easy because now we can
14 separate the ones that are very fine from the sore which is
15 coarse.

16 This is an example of a typical 0.26 to 0.09 stage actually
17 taken on Highway 50, actually at South Lake Tahoe. And you see
18 with these bands as a function of time, represent not the rush
19 hour, but in fact, the time when the wind switches from upslope
20 to down slope at dawn and dusk. And that black that you're
21 looking at is mostly soot. So we can now take this stuff and
22 analyze it. Now, I developed a program at the (unclear)
23 National Laboratory using a synchrotron that's a one million
24 dollar machine that puts X-rays through the samples in such a
25 way that the background of the X-rays goes away. So I have a

1 great deal of sensitivity. What'd it turn into? It turns into
2 making me the McDonald's hamburgers of elemental analysis. We
3 can do an analysis for a dollar, but don't quote me. Well, I
4 shouldn't say this - I mean - talking about - but the answer is
5 that's about what it costs. In ten seconds we get down to 20
6 picograms for a dollar and we do, in a given ten weeks, 81
7 thousand analyses because if you measure by size and time and
8 composition, you're making a measurement every hour, times 8,
9 times day after day after day after day. So we had to drive the
10 cost down way below anything that's available. So I used a big
11 (unclear) machine to do it, but for the last four years that
12 (unclear) has been mine. I run it. I schedule it.

13 And by the way, there was quite a bit of resistance by the
14 physicists and chemists of a large (unclear) laboratory using a
15 machine built for physics and chemistry to study smog. I had to
16 argue with these guys from Germany who claim in Germany diesels
17 are clean. Oh, God. So anyway, but we won and now I think
18 they'll never take it away from us because, in fact, it's
19 working very well.

20 So this is the raw spectrum we get. These are the elements
21 arranged like physicists like it, by atomic number, sodium,
22 magnesium, aluminum silicate, just like on the wall of a chem
23 lab. So we get this spectrum with all the elements. The point
24 is that in my area I don't have to be smart, just careful. I
25 didn't know about zinc zyophosphate (phonetic) and (inaudible)

1 (phone) please press it. Anyway, so the point was, in this
2 area, I don't have a previous knowledge of what's in this fuel.
3 I didn't know about zinc zyophosphate, but I measure the stuff
4 and I saw the zinc and then checked out. So the answer is if
5 you can't be smart, be careful. And so this says what's there.

6 So here's now a profile across Sacramento on very fine
7 particles that are the same elements we saw in Minnesota as
8 traces of diesels and we know now as smoking cars. Look at the
9 period around July 1. You see two of the elements seen in
10 diesel. You see sulfur and zinc, but no phosphorus. What's
11 that? That's the fireworks on the tower bridge on the 4th -

12 MEMBER LAMARE: January 1.

13 DR. CAHILL: Thank you. Anyway, January, right.
14 New Years Eve, right. Right. The two peaks next to it though
15 both have the signatures of the material in Minnesota. So let's
16 examine them in more detail. This one has all the signatures we
17 saw in Minnesota for diesel and smoking cars, and it lasted for
18 three days. Now, based upon the Minnesota numbers, we predict
19 4.3 plus or minus 2.9 micrograms of diesel mass. We then
20 measured it. Coarse mode and fine mode, and we find 6 plus or
21 minus 1, versus predicted 4.3. The sad result was therefore, at
22 13th and T and the Sacramento River and the Crocker, we found
23 almost exactly the same level of material and it all appears to
24 be from diesel and smoking cars, so fine particles penetrate
25 deep into the city. They're not just limited to the highway.

1 The big peak we saw, by the way, corresponded to the air moving
2 slowly up the valley from Fresno over a period of three or four
3 days and that appears to be San Joaquin Valley air.

4 CHAIR WEISSER: Dr. Cahill, when you say moving deep
5 into the city - you know - you're talking about some locations
6 that are like a quarter of a mile away from the freeway.

7 DR. CAHILL: At some point we're about 800 meters
8 North of W-X and three kilometers to the East of the I-5. So it
9 represents an area that's at least five kilometers across, but
10 that's the only station we had.

11 CHAIR WEISSER: Yeah.

12 DR. CAHILL: I'll show you one example of one at
13 where it did not get, by the way. The next site we did was a
14 site away from the freeways, and anticipating your question, at
15 Arden Middle School. It was added the very last minute. Now,
16 Watt Avenue has 77,000 cars a day but almost no trucks, less
17 than one percent. They're highly visible, but they're not many.
18 I hired the school crossing guard, by the way, to count trucks
19 for me. Well, he was inexpensive. He was very good. And I
20 have a site at Sebastian Way, which is well away from the
21 highway. So this is a picture, then, of Sebastian Way on top
22 and the Arden Middle School at the bottom for the traces we saw
23 of diesel and smoking cars. The difference is pretty dramatic,
24 weekday and weekend both. The weekends, by the way, are dashed
25 lines and those peaks you see at Sebastian Way, you generally

1 occur when the winds shifted around and it suddenly became
2 downwind. But the good news is that the very fine particles you
3 saw in downtown Sacramento did not penetrate this far. So one
4 number is it's at least five kilometers in. The second number
5 in, it's not out ten miles. So that gives you some indication
6 of the pool.

7 Now, the terrain was flat so I can use my line source
8 modeling like the (inaudible) four, and we observed at the
9 school, where the kids were, 7 plus or minus 1.5 micrograms per
10 cubic meter versus predicted 5.4, 7.7. And it was two-thirds
11 cars, one-third trucks. But I just told you trucks are one
12 percent. Why was that? Well, these are two and three axle
13 trucks at a stoplight. See, so you just can't use the
14 literature values. You have to watch out. These guys put the
15 pedal to the metal and these great big plows come up and switch
16 right across the school grounds. Those kids might as well have
17 their classroom in the middle of the median strip.

18 Now, my last topic will be Central Valley. The Central
19 Valley site is something called the EPA super site, which is not
20 one kilometer from the nearest freeway. Now, in Fresno there
21 are two major freeways, highway 41 which is 117,000 cars and
22 5,000 trucks a day. And by the way, the trucks by the way are
23 largely at night. And Highway 99, 60,000 cars, 15,000 trucks a
24 day with the trucks at day and night both.

1 But before I talk about the particles, let me say a quick
2 word about the Fresno ozone because that directly affects it.
3 One of the great triumphs of California is the improvement in
4 ozone levels in the last 20 years. This is the peak ozone in
5 Los Angeles over the last ten years. This is the average 8-
6 hour, three year high. And by the way, the dashed line is the
7 federal standard. No other place in the world has achieved this
8 effect, nowhere. We're by ourselves. There ought to be a day
9 where we have a celebration of victory. Tell the people they
10 paid their money, they got their cars. This is Alameda County,
11 not quite as good, but still a decrease. And here's Fresno.
12 Now, there's essentially no change. Now, linear rollback is the
13 heart of everything we're doing and clearly something is wrong.
14 So looking at the NOX emissions by county, you can see that in
15 fact the numbers have been steadily dropping for the last
16 decade. Likewise, reactive organic gasses. These are the
17 stationary, on road vehicles and so on.

18 So what I did was I took Los Angeles, the Bay Area, and San
19 Joaquin Valley and did a calculation instead of linear rollback.
20 Take the 8-hour ozone reduction, which L.A. is 42 percent in ten
21 years, take the average reactive organic gasses, NOX 51 percent,
22 and a yield that is 82 percent, which is not bad. You get a
23 pretty good bang for your buck. Bay Area, 23 percent ozone
24 reduction, 44 percent NO, the same as L.A. almost, 52 percent.
25 so you only get a factor two reduction. In lead and carbon

1 monoxide they're one to one but these only effective too. And
2 for Fresno, two percent reduction, 44 percent precursor - what
3 the heck is going on? So why didn't Fresno - well, first of
4 all, do a little background. We're not going from zero ozone.
5 The world has ozone. It's very natural. So let's look at this.
6 Now, all of a sudden, we put the global backgrounds in. Then
7 L.A.'s yield goes to 81 percent. Look at the Bay Area, 98
8 percent. So if you take into account the global ozone
9 background, we are getting linear rollback in ozone in the Bay
10 Area and Los Angeles. Congratulations men and women.

11 MALE COMMITTEE MEMBER: What do you mean by yield,
12 Dr. Cahill?

13 DR. CAHILL: A yield means you put the money into
14 reducing your hydrocarbons, reactive organic gasses, or you're
15 getting a reduction in ozone that's commensurate.

16 MALE COMMITTEE MEMBER: Thank you.

17 DR. CAHILL: So that really is one-to-one reduction.
18 And then look at Fresno, 9 percent. So something is wrong in
19 the Central Valley and I won't say what. I've actually given my
20 report to the Air Resources Board, the EPA Region 9, and to San
21 Joaquin Valley Basin. But the point is that all your efforts,
22 all the money you spent on reducing exhaust has certainly
23 helped, but it isn't going to do the job.

24 What's a big hint? This is a picture of the ozone in
25 Fresno over the entire year carefully scheduled. And you see,

1 by the way, in winter - January - we're right about the global
2 background, 35 parts per billion. Then for much of the year the
3 ozone tracks beautifully with the temperature until the summer
4 when suddenly the ozone sort of flattens out, except for a
5 series of short high peaks which simply shred the federal
6 standard. So the problem in Fresno is not the average day,
7 which in fact is rather typical of the valley, but in fact these
8 sharp peaks. My analysis says these sharp peaks come from
9 stationary sources, not mobile sources, in the Bay Area
10 traveling above the valley, hitting us here in the Valley,
11 stacking up above the mountains which is seen by aircraft, and
12 then sliding down on the night winds to right above Fresno where
13 the N-O sits there ready to make ozone at the crack of dawn.

14 MEMBER PEARMAN: And that's based on the speciation
15 studies that you've done with the particles?

16 DR. CAHILL: Speciation on particles and the fact
17 they have a wonderful sampler station at Yosemite National Park
18 and the work at Lake Tahoe. We can actually follow these
19 particles coming across.

20 MEMBER PEARMAN: So this, your analysis of where -

21 DR. CAHILL: We haven't published that.

22 MEMBER PEARMAN: It's not published yet?

23 MEMBER LEMARE: Mr. Pearman.

24 DR. CAHILL: It will be.

1 MEMBER LEMARE: Just to point out for clarification
2 that this is about Fresno.

3 DR. CAHILL: Yeah, it's Fresno.

4 MEMBER LEMARE: That doesn't mean that the emissions
5 from the vehicles are not creating ozone in the foothills east
6 of Fresno.

7 DR. CAHILL: No.

8 MEMBER LEMARE: This is not a comprehensive assessment
9 of air pollution in the San Joaquin Valley. This is a picture
10 of Fresno.

11 MEMBER PEARMAN: Thank you, Jude.

12 DR. CAHILL: I would like to so you've all seen this
13 wonderful ozone picture showing the plumes of Sacramento being
14 pushed to the foothills. Those still happen, but I'm saying on
15 top of that are these great big events which appear to be
16 stationary. So yes, we obviously need to roll back the material
17 here and the rollback is working. But there's also on top of it
18 - but these are the things. Those great big peaks are the ones
19 the EPA looks at federally when they drop the hammer.

20 Now back to particles. This is the EPA's super site. I'm
21 not getting a picture. And you see Highway 41 and Highway 60.
22 This represents the PM-2.5 for 2002 at Fresno showing the very
23 high rates of PM-2.5 in the winter and rather clean in summer,
24 except for the Oregon forest fires. They filled the valley with
25 smoke. All right. Look now in December. Now, this is the same

1 graph I showed you before with the same things we saw in
2 Minnesota, phosphorus, sulfur, potassium in this case, and zinc
3 for Fresno. But the scale now is 300 nanograms, not 60. And if
4 you look at the results of Minnesota, you predict there should
5 be 9 plus or minus 6 micrograms averaged over 24 hours, times
6 three weeks. We recently measured the actual mass and the
7 bottom scale. It was 8.8. So one kilometer away from the
8 nearest freeway we're still seeing 9 microgram per cubic meter
9 of material in a very unfortunate mode.

10 A recent paper was published in Los Angeles - I'm just
11 about to finish - on ultra fines near the 710 freeway, which is
12 in fact a mammoth freeway. Now, this is published by Juidall
13 (phonetic) as part of the very good program at UCLA and USC.
14 Well, the graph immediately caught my attention because I did
15 some work in L.A. in 74. So I redid their graph and put on it
16 my lead values. This is the black line. So what you find then
17 is the ultra fine black carbonate number is rather high upwind
18 of the freeway. It jumps right at the freeway, but that's no
19 great surprise. So the problem is very few people live within
20 100 meters of a freeway, but a lot of people live upwind for
21 several miles. So what we're finding then is that in Los
22 Angeles also, the ultra fine particles appear to penetrate the
23 entire city. They're not limited to the freeway. So my bottom
24 line is far more people are being impacted by toxic ultra fine
25 smoke in L.A. from cars than from diesels.

1 MALE COMMITTEE MEMBER: But Dr. Cahill, I remember
2 reviewing a couple of years ago data from the South Coast Air
3 Quality Management District's Mates (phonetic) one and two
4 studies.

5 DR. CAHILL: Yes.

6 MALE COMMITTEE MEMBER: Which appeared to show that
7 in fact, the hotspots, let's say, where most of the PM fine was
8 located were within spitting distance of freeways and major
9 arterials. But you're indicating that no, that's not true, that
10 in fact, that the spread of PM is relatively uniform across?

11 DR. CAHILL: We need to be very careful because the
12 Mate study looked at the number of toxics and so on, and some of
13 these particles were condensables and they in fact dropped off
14 rapidly near the highways. What I'm saying is that these very
15 fine particles don't behave like it. They behave like carbon
16 monoxide, which is diffusion limited. And so the point is that
17 we have to be careful that yes, I would - the general feeling
18 would be that these particles, which we consider the most
19 dangerous, penetrate the entire basin. And so I think when they
20 made the measurements, and these are measurements from the Los
21 Angeles basin, so I think this is a bit of a revision -

22 MALE COMMITTEE MEMBER: Uh - huh.

23 DR. CAHILL: - of the feeling that if you look only
24 at those components that we feel are most worrisome, that in
25

1 fact, they penetrate the basin almost in its entirety. One more
2 minute here, but I'll just - I appreciate your patience.

3 So I developed a new technique at Davis to measure the very
4 finest particles from 0.09 to zero and this is the - I see a
5 picture of it in there too. And of course, we did the first
6 test in our laboratory, and here's what we found. We found
7 surprisingly, in Davis, several micrograms per cubic meter of
8 particles below .09 microns. That was to me, a total shock.
9 Now, the 5th and 6th were Thursday and Friday, 7th and 8th were the
10 weekend, and then it came up again. So we analyzed them and we
11 found out again, not a little, but a lot of the tracers of
12 lubricating oil - this is zinc and phosphorus - during the
13 weekdays when the buses ran. Now, Davis students may be very
14 lazy on the weekend. There are no buses running around the city
15 on the weekend. So there's a case where the buses run daytime
16 only and we're getting a major signature of, looks like burned
17 lubricating oil. So we correct it.

18 Well, it turns out if those buses were diesel, we'd have
19 seen more by about a factor of four. What were they? They're
20 all compressed natural gas. So we have a - as a stunning result
21 was - now, remember in the beginning when the C and G came in?
22 There was a problem with lubrication? Because diesel oil as a
23 fuel is a lubricant also, but compressed natural gas is dead
24 dry. They have to increase the lubricating and so on, so
25 therefore, once again, it turns out that the particles we're

1 looking at are not associated with what is a very, very clean
2 fuel, but appears to be associated with burned lubricating oil.
3 This isn't such good news.

4 So in conclusion, California has achieved splendid success
5 in eliminating ozone precursors and the results are a major
6 success, except for the Central Valley. Very fine, less than
7 2.5 micron particles - oh, that's a mistake. It should be 0.25.
8 80 (inaudible), so the very finest particles dominate all the
9 toxics in the air. They're the higher emissions, they're a
10 problem for human health, they're not controlled by the same
11 methods used for ozone precursors, and they're closely tied to
12 lubricating oil. And in most areas of California, it's the very
13 fine particle mass in toxic and smoke dominated by cars, not by
14 heavy-duty diesels.

15 So thank you all for your attention. I'm sure this is
16 going to be received with great joy in other places. But at
17 least you have a full early warning what's about to come down
18 the pipe. Thank you very much.

19 CHAIR WEISSER: Before you step down, Dr. Cahill.

20 DR. CAHILL: I have - I'm expected to be here.

21 CHAIR WEISSER: Can you tell us what you mean by early
22 warning? When will the studies be completed, peer reviewed, and
23 published?

24 DR. CAHILL: The paper is being - the two papers,
25 the ozone paper and the particle diesel papers, are both in

1 preparation right now, together with the people at DRI, and we
2 hope to have them submitted within three months.

3 CHAIR WEISSER: Submitted means what?

4 DR. CAHILL: Submitted to publication. It has been
5 reviewed.

6 CHAIR WEISSER: Okay.

7 DR. CAHILL: So my guess, probably a year.

8 CHAIR WEISSER: A year.

9 DR. CAHILL: Right. The Kaysac (phonetic) Committee
10 of USEPA met one month ago.

11 CHAIR WEISSER: How many of them hung themselves after
12 seeing this data?

13 DR. CAHILL: They had actually studied - they
14 haven't seen all of it yet. They saw some of it. They
15 actually, for the first time in their career, talked about ultra
16 fine particles as a special area of concern for the USEPA. Now,
17 don't expect swift action. I mean - to be honest with you, I
18 would - they do this and they fund contract research at ORD and
19 so on like that. So it's going to be a long time before that
20 turns into anything.

21 CHAIR WEISSER: Well, the biggest - I mean - the
22 biggest eye opener or potential eye opener to me was the
23 relationship between the production of these fine particles with
24 light duty vehicles compared to the heavy duty trucks. That is
25 a surprise.

1 DR. CAHILL: Me, too.

2 CHAIR WEISSER: And your ten to one ratio is shocking.

3 DR. CAHILL: Now, that is published, by the way.

4 CHAIR WEISSER: And I think if that's the case, well,
5 that demands some real serious thinking on my part.

6 DR. CAHILL: Why don't I - I'll propose I guess to
7 Rocky, by the way, a copy of the refereed reports on that ratio
8 which I have. That was published last year.

9 MR. CARLISLE: Yeah, I'd like to see that.

10 DR. CAHILL: I'll make sure that the Committee gets
11 full copies of everything.

12 CHAIR WEISSER: Okay. Well, let's see if there are
13 some questions or comments from Committee members. Whoa. We'll
14 start from the far right once again with our bearded compatriot.

15 MEMBER HOTCHKISS: I'm kind of interested. You made
16 a comment about some German engineers and I think I've probably
17 talked to the same ones about diesels. And I think one of the
18 things that they kept pushing was that the quality of diesel
19 fuel in Germany and in Europe is so much better. It's so much
20 cleaner, lower sulfur content than it is here, and they always
21 put that forward, at least the ones I've talked to, is one of
22 the reasons why their diesels are cleaner in Europe than they
23 are here. Now, you said the test in Minnesota was done using
24 California spec fuel. Do you know if there was any tests run
25 using a European spec fuel?

1 DR. CAHILL: No, we had some - very good question.
2 We had some tests using what's called pool fuel, or road fuel,
3 and it was a typical U.S. average fuel, which had much higher
4 sulfur. Regretfully, I have nothing on bio-diesel. I've not
5 seen a full study yet. I mean - I'm looking from - so the point
6 was, I'll just tell you that there's great big gaps in the
7 research that aren't being filled in.

8 MEMBER HOTCHKISS: Uh - huh.

9 DR. CAHILL: But I think that these results would
10 indicate that a well maintained vehicle, German or not, that
11 does a very good job in terms of their lubricating oil, might
12 very well have in fact a cleaner operation. No, they're -
13 Europe is pushing very hard on the clean diesel technology and
14 it's a very clever people there. And they're using filter
15 techniques and so on. But it's a difficult task when you go to
16 a small vehicle like a car, which couldn't afford a \$5,000 -

17 CHAIR WEISSER: Track, yeah.

18 DR. CAHILL: - post combustion stack like a long-
19 haul diesel could be. Or perhaps the Roseville rail yards.
20 We're working there also.

21 CHAIR WEISSER: Well, I think it needs to be noted that
22 the implications associated with this sort of stuff for the
23 ARB's PM reduction program, in particular its diesel reduction
24 program, are substantial. But in terms of this Committee's
25 roll, the implications are striking and - you know - I think

1 we'll bear some pretty significant consideration. Okay. We had
2 other -

3 MEMBER HOTCHKISS: Thank you.

4 DR. CAHILL: Thank you.

5 CHAIR WEISSER: Dennis, did you have a question?

6 MEMBER DECOTA: Well, first of all, I enjoyed very much
7 your report. It really helps - you know - from our standpoint.
8 As I understand the issue, basically from a technician
9 standpoint, is that hydrocarbon pollution creates more
10 particular problems in older vehicles that are squeaking on
11 through the system without being addressed. I have two parts to
12 my question. One, have you looked at the motor oils from the
13 standpoint of synthetic versus conventional, and is there a
14 differential in the emission values there? In other words,
15 should we as a Committee maybe look into the recommendation down
16 the road of a synthetic based motor oil versus - you know - a
17 more conventional type motor oil, the frequency of changing that
18 motor oil, okay -

19 DR. CAHILL: Yes.

20 MEMBER DECOTA: - On cars that have certain mileage as
21 a Committee? You know - because what this to me is, is that we
22 have lower compression. We have valve issues that are allowing
23 or not completely burning the fuel in the cylinder, which is
24 creating more particulate matter through H-C. Am I looking at
25 this properly?

1 DR. CAHILL: Yes, and yes. The question of the oil
2 change is interesting. It's a very interesting result. One
3 question I want to ask you though is that Eric Frageta at Desert
4 Research had a very large multiyear contract on the testing the
5 split between the diesel and fuel, and his results have just
6 come out. I actually grabbed some a little early. He sent me
7 the slide. I have not seen anything on the synthetic oils, but
8 they've got to be different. But I've seen nothing. And again,
9 I'm telling you there's great gaping holes in this story which
10 aren't there.

11 MEMBER DECOTA: Right.

12 DR. CAHILL: The question of oil changing routinely
13 is right on the money.

14 MEMBER DECOTA: Right.

15 DR. CAHILL: I mean - I think you could have a
16 massive reduction in pHs for these older vehicles by insisting
17 on a rapid change. You know - the other thing was if you're
18 burning a lot of oil - you know - what kind of oil is it? I
19 mean - the question should there be in fact a special formulated
20 oil, like there is (unclear), for older vehicles that doesn't
21 have this problem? I don't know. But the point is it raises a
22 lot of questions and you've addressed a couple of them. I
23 certainly am now much more motivated. I never put any oil in my
24 car and it's a - and the point was that when I go for an oil
25 change, I automatically change it because it doesn't burn oil.

1 And the diesel technology, we have to go to a better ring
2 technology, which you could do. You can have the first two
3 rings being, let's say, high temperature and have a Teflon ring
4 for the third ring -

5 MEMBER DECOTA: Right.

6 DR. CAHILL: - to make the oil use less. There's a
7 lot of things, once you know the problem is there, technology
8 has ways to address it. But it's come up very recently and it's
9 kind of a shock to all of us because we had lived in a certain
10 life when diesel was a milligram per kilometer now, so good
11 point.

12 CHAIR WEISSER: Thank you. Jude?

13 MEMBER LAMARE: Tom, do you have any suggestions or
14 thoughts about the issue of adding a visible smoke test to the
15 smog check program, something that we talked about in our last
16 report?

17 DR. CAHILL: I very strongly support this. The
18 question is the smoke is one item, which clearly does it. I am
19 very pleased, by the way, at the voluntary compliance on the 1-
20 800 get smog program in the L.A. basin. It's between 30 and 40
21 percent. That's people being sent a postcard saying your car's
22 a smoker, get it fixed. They get it fixed because you don't
23 look at your tailpipe. I ride a bike and a motor scooter and
24 I'm right behind a lot of cars. I know exhaust very intimately.
25 And so the point was, I think that's a very good point. But the

1 problem of the ultra fine particles is different again. These
2 particles in fact, according to the Air Resources Board data,
3 can be totally clear. See, and I don't even know what they're
4 made of, and so I think that - I do know, by the way, the Air
5 Resources Board is a very nice research program at UCLA in which
6 they actually bring instrumentation in vehicles to drive around
7 the L.A. basin and measure in great detail what people actually
8 are breathing as they commute, because they show that in fact 80
9 percent of the total particulate exposure to the average Los
10 Angeles worker is in the commute period.

11 And by the way, I should mention on the comment, the other
12 question is of course, diesel school buses, which they've shown
13 are deadly. Some of the youngest kids in L.A. are getting the
14 worst diesel exhaust because the way the buses run in sequence.
15 One bus, one bus, one bus -

16 MEMBER DECOTA: Right.

17 DR. CAHILL: - and they're polluting as hell.

18 CHAIR WEISSER: Well, fortunately due to the good work
19 Of the environmental community, business community, and many
20 other people, we're getting serious slugs of money being made
21 available never before to get at the diesel bus issue, to put in
22 cleaner diesels, alternatively fueled vehicles.

23 DR. CAHILL: Uh - huh.

24 CHAIR WEISSER: Are there any further questions?
25

1 MALE COMMITTEE MEMBER: One very quick one. Dennis
2 asked the question about the synthetic oil. That occurred to me
3 too. The other thing we see is that now where previously the
4 generally recommended oil changes every three thousand miles and
5 so on, now you see more and more vehicles where the recommended
6 oil change is only ten thousand miles or longer in certain
7 instances. I'm wondering if - you know - presumably that's
8 based on some improvement in the technology of the vehicle or
9 something, but I'm wondering if that has an effect of if the
10 tolerances I heard, yeah - tolerances are a little tighter.

11 It'll be interesting to see over time whether that has - you
12 know - I mean - the oil gets older and presumably deteriorates
13 over that period of time, so it's (inaudible). (overlapping)

14 CHAIR WEISSER: It doesn't deteriorate, it becomes
15 polluted is what happens.

16 MALE COMMITTEE MEMBER: Well, yeah, polluted.

17 CHAIR WEISSER: Right.

18 DR. CAHILL: That's a very good question and an
19 interesting possibility that cars ought to have a situation
20 where that in fact you have an oil change period not because of
21 use of oil, but because of quality of oil.

22 MALE COMMITTEE MEMBER: Right.

23 DR. CAHILL: I hadn't thought about that.

24 CHAIR WEISSER: Okay. This has been really, to me, eye
25 opening. It's no surprise to me that a great deal of research

1 on this is being done in Europe, as 50 percent of or more of
2 their light duty vehicle fleet is now being sold as diesel
3 powered. Their approach has been based upon the government
4 officials and NGO's that I had spoken to that they favor diesel
5 technology because of the energy and climate change impacts.
6 You get more power out of a certain amount of diesel than you do
7 out of - you know - gasoline or natural gas, and it has - you
8 know - some nicer characteristics I guess in terms of climate
9 change. When I asked them about what about the PM problems that
10 have been associated with diesel, the response that I've gotten
11 is we're confident that our technology will take care of that in
12 a few years.

13 Our approach has been rather different. We're discouraging
14 the use of diesel because we are so concerned about the problems
15 associated with particulate matter attached to diesel. And yet,
16 I guess I'm walking away saying what I'm struck with most about
17 what you've said is the role of the light duty vehicles, the
18 gasoline powered vehicles, in PM generation. And I sure
19 personally will try to find out more about what others think in
20 regard to that. Dr. Cahill, on behalf of the Committee I want
21 to thank you for this eye opening presentation. Thank you very
22 much.

23 DR. CAHILL: Happy to do it. Thank you.

24 CHAIR WEISSER: What I'm going to suggest is that we
25 take a brief break right now, ten minutes. Let's say until -

1 we'll take it until twenty of 12:00 and then we'll do the next
2 two items, the BAR and the ARB update.

3 MEMBER LAMARE: Do you want to see how many people
4 (inaudible)?

5 CHAIR WEISSER: Oh, I'm sorry. I didn't see anyone.
6 Is there any public comment that anyone wants to make on this
7 item? Charlie. Thank you, Jude. I didn't think of that.

8 MR. PETERS: Mr. Chairman, Committee, the doctor
9 mentioned something -

10 MALE COMMITTEE MEMBER: The mic is off.

11 CHAIR WEISSER: You have to push the mic.

12 MR. PETERS: Yes, Mr. Chairman and Committee,
13 Charlie Peters, Clean Air Performance Professionals representing
14 the Coalition of Motorists. You brought up an interesting
15 subject and I'm not knowledgeable enough to have a firm opinion,
16 but I want to throw it out there just because. I have a friend
17 in Oklahoma who has a Chrysler product that he's been having
18 problems with, with a hard engine dock. Apparently that's been
19 a fairly prolific problem in the marketplace and I was talking
20 to a trainer and he indicated that there are oils that are
21 recommended for a lot of the fleet now that are not being used
22 for that fleet, that's allowing degradation to take place in the
23 motors which could very well be impacting this. So I'll just
24 throw it out there that there - I have a source that's
25 indicating that the kind of oil being used, the spec of the oil

1 being used, can be a very significant factor in deterioration.
2 And I'd be happy to put somebody together with somebody who has
3 some very strong opinions about that that's been trying to get
4 some attention to it thinking that it's very important to
5 maintaining cars as well as emissions.

6 CHAIR WEISSER: Thank you, Mr. Peters. You might want
7 to direct that person to BAR to inform their staff. Chris?

8 MR. WALKER: Mr. Chair, members of the Committee,
9 Chris Walker on behalf of the Automotive Repair Coalition and
10 the California Service Station Automotive Repair Association.
11 Quick question. I mean - in hearing this presentation this
12 morning, it seems to me that what you have is you have the
13 burned oil as the problem and that is a function of a
14 malfunctioning vehicle. Either it's burned rings or it seems to
15 me valves or it seems to me that the cars are emitting burnt oil
16 through a function of an engine not working properly. And it
17 seems to me that the question is for the Committee, is there a
18 link between the hydrocarbon cut points, H-C cut points, that we
19 now employ in the smog check program. Are they relevant in
20 capturing this unburned oil? In fact, are these cut points
21 sufficient? If they are relevant, are they sufficient and
22 adequate, and should the Committee be looking at H-C cut points.
23 And if they are adequate, what's going on? Where in the system
24 is it breaking down? These are typically older vehicles, I
25 would presume, cars that are receiving specialized treatment

1 from the State of California to ensure they're being inspected
2 properly, to ensure they're being repaired properly. And the
3 evidence, as presented today, suggests that perhaps they're not
4 and one would want to look at the process on how we're treating
5 these older vehicles, how we're testing them, and how we're
6 fixing them. Thank you.

7 CHAIR WEISSER: Thank you. Any further comments?
8 Charlie, one more, really briefly.

9 MR. PETERS: I have had a position and made
10 suggestions to the Committee all the way back that just allowing
11 the mechanic to fail the car for smoking and allowing them to
12 fix it, the doctor mentioned that we're getting a significant
13 participation and performance out of just giving somebody a
14 voluntary heads up. If the smog check actually allowed
15 mechanics to fail cars for smoking and required a repair, maybe
16 we could make some really significant impacts.

17 CHAIR WEISSER: Thank you. Okay. We're going to take
18 a break now until twenty of 12:00, according to that clock. And
19 we will start up on time, and we'll then deal with the two
20 updates from BAR and ARB, at which time we'll take a break for
21 lunch. Thank you.

22 **(Off the Record)**

23 CHAIR WEISSER: Okay. If we could take our seats.
24 Okay. The meeting will come back into order. Our next agenda
25 item is to receive updates, first from the BAR and next from the

1 ARB. Is there someone from BAR who'd like to give us an update
2 as to activities?

3 MR. GUNN: Good evening or good afternoon. Actually,
4 good morning, Mr. Chairperson and Committee members. I don't
5 have a report. BAR's -

6 CHAIR WEISSER: Could you identify yourself for the
7 transcriber?

8 MR. GUNN: Oh, I'm sorry.

9 CHAIR WEISSER: I appreciate it. (overlapping)

10 MR. GUNN: Marty Gunn with the Bureau of Automotive
11 Repair. And I didn't come prepared with reports. The Air
12 Resources Board is going to give the reports, from my
13 understanding, on low-pressure fuel evap and cut points.

14 CHAIR WEISSER: Okay. But I'm glad you folks are here
15 in case there's something you might want to add onto it. Are
16 there any other activities of general interest to the Committee
17 that you'd like to mention that have taken place in the last
18 month? Nothing.

19 MR. GUNN: I think we're pretty caught up on questions.

20 CHAIR WEISSER: Okay. Very good. Well, any questions
21 from the Committee? Mr. Pearman.

22 MEMBER PEARMAN: I noted that we had gotten - I
23 think it was e-mail - BAR's response to Committee questions and
24 one of them was Wayne stating that there was a question about
25 why they justified not raising the repair cost limit above \$450.

1 And last meeting Wayne said we'd have that analysis complete and
2 be able to get a report back to you by the October meeting. So
3 any response to that?

4 MR. GUNN: I believe the last response was is that out
5 of 1.5 million failures a year there were twelve hundred repair
6 cost waivers issued, which was something like a .08 percent
7 waiver rate, which is a really, really small number. And being
8 such a small number, it just didn't seem to be very high on the
9 radar screen.

10 MEMBER PEARMAN: So that was the in-depth analysis
11 since the last report you're saying or you just -

12 MR. GUNN: To the best of my knowledge, yes.

13 MEMBER PEARMAN: Okay.

14 CHAIR WEISSER: Which question number was that, Robert?
15 I'd like to - I remember reading that -

16 MEMBER PEARMAN: Repair cost limit -

17 CHAIR WEISSER: Repair cost limit number one?

18 MEMBER PEARMAN: Yes.

19 CHAIR WEISSER: So you're doing an in-depth analysis.
20 You're going to be able to have a report back in October, but
21 will you be giving us the report per se - you know - the data
22 sets and the methodology you used for the analysis?

23 MR. GUNN: Not to my knowledge. What I know of this,
24 and I'm transitioning into this -

25 CHAIR WEISSER: Sure.

1 MR. GUNN: But my knowledge of this was that because
2 the number was so small and there would be - you know -
3 activities and resources allocated to changing the number, it
4 just wasn't -

5 CHAIR WEISSER: So I respect the perspective or the
6 position that you might take following your analysis. I guess
7 what I'm asking is will that analysis be shared with this
8 Committee so this Committee could independently look at it and
9 come to its own conclusion?

10 MR. GUNN: I will find that out for you.

11 CHAIR WEISSER: The chief is in the room. Chief, do
12 you have anything to offer as to whether the Committee is going
13 to be able to get that analysis?

14 CHIEF ROSS: Ross, BAR chief. Getting the data that
15 we have is fully available to the Committee any time.

16 CHAIR WEISSER: We appreciate that. So has the study
17 been completed, your study on -

18 CHIEF ROSS: You're saying study and I'm not exactly
19 sure exactly what the specific question preceding Wayne Ramos'
20 response of the item was.

21 CHAIR WEISSER: Okay. The question was what percent of
22 smog check repair exceed \$450? That's what it says on here.

23 CHIEF ROSS: And fundamentally, as Mr. Gunn said,
24 out of 1.4 million failures there were twelve hundred repair
25 cost waivers issued for vehicles that needed repair. So 1.4

1 million divided into twelve hundred is going to tell you what
2 the percentage of the impact of those waivers was, and that's
3 what he said, .08 percent.

4 CHAIR WEISSER: Okay.

5 CHIEF ROSS: Okay. Now, beyond that, in terms of
6 what each of those individual twelve hundred waivers were or how
7 they were documented, that would take an in depth analysis by
8 the referee's data on a case by case basis because that kind of
9 data is not cataloged relative to each individual case.

10 MEMBER LAMARE: Mr. Chairman?

11 CHAIR WEISSER: Jude?

12 MEMBER LAMARE: Sorry (inaudible).

13 MEMBER PEARMAN: Well, just to clear then - I mean
14 - the question that occurred before was that the decision not to
15 increase the cost limit was based on some rationale and that's
16 what Wayne was saying we're going to analyze. That's exactly
17 why we're not doing that. So seeing this thing, the reason they
18 didn't increase it was the numbers were so small it was
19 irrelevant. But I just wanted to make sure if that's the answer
20 or not.

21 CHIEF ROSS: Yes. Yes, Mr. Pearman.

22 MEMBER PEARMAN: Okay.

23 CHIEF ROSS: That's correct.

24 CHAIR WEISSER: Jude?

1 MEMBER LAMARE: Chairman, I think perhaps the Committee
2 has in mind another scenario in which the waivers don't play a
3 role. And that is that we have heard that cheaper, quicker
4 fixes are being used instead of more thorough, durable repairs,
5 which means that there are alternatives for repair that allow a
6 repair technician to fix a car so that it will pass smog check
7 but will not necessarily have durable repairs for the duration
8 of the two year period that we expect it to be fixed for and
9 that a factor in this decision is the cost waiver limit so that
10 the Committee, as I understood it, was asking about raising the
11 limit so that cars that otherwise might be facing a cheap fix -
12 a cheap and less durable fix would have the option of doing the
13 more thorough fix using the cap program. Can anyone else on the
14 Committee -

15 CHAIR WEISSER: Yeah, let me - okay.

16 MEMBER LAMARE: - clarify or (inaudible)(overlapping)

17 CHAIR WEISSER: I'll jump on that. I think in the last
18 - in the BAR/ARB report there was a discussion on the durability
19 of repairs and that was an issue. I think it was highlighted in
20 particular by some folks from ARB. I think Member Lamare - you
21 know - identified the precise aspect of the repair cost waiver
22 limit that is of interest to this, and that is of interest in
23 relationship to that question. In other words, would increasing
24 the limit before (tape change)- waiver result in improving the
25 nature of the repairs that are made to failing cars so that they

1 stay in good repair longer than that which we currently see in
2 practice. Is that analysis being done by you or - to your
3 knowledge?

4 CHIEF ROSS: I don't know if that question was ever
5 - excuse me, Mr. Chairman.

6 CHAIR WEISSER: Sure.

7 CHIEF ROSS: I don't think that question was ever
8 really conveyed. It is a different kind of question rather than
9 just saying why have you not moved the repair cost waiver?
10 Because that kind of analysis would then also dip into looking
11 at the vehicles that have been repaired to pass that didn't in
12 gender over \$450 limit and then trying to assess whether you
13 could've spent \$150 or \$200 more, and would that have then
14 generated a greater gain and a difference between failure and
15 now passing. So that kind of data would really be I think a
16 very deep probing study because it kind of goes beyond the
17 repair cost waiver, but it gets into I guess how much more H-C
18 and - yeah and -

19 CHAIR WEISSER: Yeah, I think it would.

20 CHIEF ROSS: - and getting into literally the
21 comparison of a lot of repaired past vehicles.

22 CHAIR WEISSER: Uh - huh.

23 CHIEF ROSS: And then projecting if we'd done more -
24 you can't say repair because you've already fixed it to the pass
25 point. So if you'd done more work on it. And so I'm willing

1 to, if you would like to maybe articulate the concept of the
2 question you'd like us to take a look at -

3 CHAIR WEISSER: Well, actually, I think you've already
4 done that in the BAR/ARB report, which highlights this as an
5 issue area, identifies that - my understanding was there was
6 some work going on to study whether or not more durable repairs
7 that would in fact exceed the existing waiver limit would be -

8 CHIEF ROSS: Yeah. Mr. Chairman, you might, I
9 believe relative to the new joint contract that BAR and ARB is
10 developing with the research vendor, the topic of repair
11 durability or station effectiveness I think is one of the top
12 topics of research. And you might clarify that with them. I
13 know our two teams are working on the scope of work statement
14 for that contract.

15 CHAIR WEISSER: Well, perhaps when the ARB gives us
16 their status report they can bring us up to date on that aspect
17 of this.

18 CHIEF ROSS: I know that's in the development in
19 terms of the tasking, so -

20 CHAIR WEISSER: Okay. Roger?

21 MEMBER NICKEY: I just wanted to comment. It sounded
22 to me like for a minute that we were confusing the cap limit
23 with the repair cost waiver limit and they're two complete
24 separate programs, two totally different.

25 CHIEF ROSS: Yes.

1 MEMBER NICKEY: And I just want to address one more
2 thing on longevity of repairs. Somewhere you've got to address
3 customers fix their own. They get an estimate back that says
4 \$800 and the guy says screw that. I'm going to go down to Midas
5 and put a cat and an O-2 on it and see if it passes, and many
6 times they do. And for that, that was taken completely out of
7 the system. It was just marginally fixed. That will last about
8 two months and the cat will burn up, and you're right back where
9 you started. Then he's got another two years to go before he
10 has to have it checked again.

11 CHAIR WEISSER: Right. We'll start from Dennis and
12 move down south.

13 MEMBER DECOTA: In all fairness to Chief Ross, I don't
14 think you were present at the meeting when that discussion took
15 place.

16 CHIEF ROSS: I wasn't. I do follow it though on the
17 web cams when I'm in the office.

18 MEMBER DECOTA: I understand.

19 CHIEF ROSS: And I do read your transcripts, so -

20 MEMBER DECOTA: And Roger's exactly correct. It had to
21 do with the comparison versus cap and the repair on the cost.

22 CHIEF ROSS: YES.

23 MEMBER DECOTA: And - you know - what we're trying to
24 do is find out - you know - what can a longer and more durable
25 repair look like? And we know that from testimony from industry

1 in cap stations that BAR has a tendency to only authorize the
2 repair to a pass point.

3 CHIEF ROSS: Correct.

4 MEMBER DECOTA: There was no ability for BAR or
5 industry to go beyond that point and that we should look in
6 depth with this. So I have two recommendations. One is I would
7 like to see staff prepare any questions that the Committee has
8 asked during session of ARB or BAR or anyone else, and have in
9 our minutes a little tickle issue for us and to make sure those
10 are sent to the proper parties at both agencies or where that's
11 to be directed so that we don't have to get into trying to tax
12 our memories on exactly what was said. I think that would be a
13 much more professional way -

14 CHIEF ROSS: (inaudible) (overlapping)

15 MEMBER DECOTA: - for us as a Committee and give you
16 the opportunity to take and answer the question without looking
17 like you're trying to shuffle, and you're not.

18 CHIEF ROSS: No, I understand what you're saying.

19 MEMBER DECOTA: You know what I mean?

20 CHIEF ROSS: And also, I appreciate that because
21 that allows me -

22 MEMBER DECOTA: To assign it.

23 CHIEF ROSS: - to go back into my organization and
24 go into the deep well where there are people who talk in these
25 mysterious engineering and scientific terms and see what we do

1 know versus what we think we know. And oftentimes what we think
2 we know then becomes that's the way it is and my view is that
3 the way you want to use us as resources is you want the best
4 quality information we can put our hands on.

5 MEMBER DECOTA: Right.

6 CHAIR WEISSER: I think Dennis, that your suggestion
7 that we document and - you know - for both the Committee and
8 frankly the agencies and the public the questions we're asking
9 them to pursue in writing is a terrific idea. However, I do not
10 think it should be part of the minutes, which are summary
11 minutes. I think it needs to be a separate piece of paper that
12 staff prepares that -

13 CHIEF ROSS: See, I think also it might cause your
14 questions to allow you to see what has been verbalized and it
15 may make (unclear) to clarify exactly what you're really asking.
16 So it works both ways.

17 CHAIR WEISSER: You bet. I mean - we recognize that
18 sometimes we're not articulating the questions as clearly as
19 possible and putting them down on paper is helpful to everybody.
20 So I will follow and adopt your suggestion, Dennis. But we'll
21 do it not as part of the minutes, but as a separate written
22 document. Yeah, please go on. Bruce? I'm sorry.

23 MEMBER HOTCHKISS: Yeah, and this isn't really a
24 follow up on that question as I guess a different part of that
25 question or a new question based off of it. And it just seems

1 to me if so few waivers are being issued that maybe it would be
2 more cost effective just to retire those vehicles instead of - I
3 mean - my understanding is that the waiver is issued to a
4 vehicle that does not pass. So in fact -

5 CHIEF ROSS: It only does not pass though for one
6 year.

7 MEMBER HOTCHKISS: Right. But it still, it does not
8 pass.

9 CHIEF ROSS: One cycle.

10 MEMBER HOTCHKISS: One test.

11 CHIEF ROSS: One cycle.

12 MEMBER HOTCHKISS: So it's on the road for two more
13 years polluting, in some form or - and I don't know if you have
14 the stats as to how badly the vehicles failed. And if I'm
15 correct, they cannot be a gross polluter. So they're in between
16 passing and gross polluter status. And it just seems to me that
17 - and this isn't necessarily aimed at BAR -

18 CHIEF ROSS: No, I don't think so.

19 MEMBER HOTCHKISS: - as kind of a rhetorical question
20 that it might be more cost effective to retire the vehicle.

21 CHAIR WEISSER: Bruce, I think there are other pretty
22 important issues that have fed into that policy and in fact the
23 statutory structure surrounding that policy. In particular, the
24 desire by the elected officials to allow the owner of the
25 vehicle sufficient time, recognizing that she or he either needs

1 to fix that vehicle so it will pass the next time or get ready
2 to buy a new vehicle. So they don't want to slam the lid that
3 quickly on the vehicle owner.

4 MEMBER HOTCHKISS: Yeah, I understand that but it
5 seems to me that if I remember correct - I mean - back when the
6 waivers were instituted way back when, there were a lot more of
7 them than there are now and quite possibly the legislature might
8 want to rethink it. I mean - if there's so few -

9 CHAIR WEISSER: Well, I'm kind of curious as to whether
10 when someone requests a waiver and receives a waiver, if they're
11 also given information from the state or from BAR's program or
12 from the local air district that the vehicle resides in
13 regarding the scrappage opportunity that might exist. Well, I
14 guess it would only exist in terms of the local programs because
15 you require a vehicle to pass -

16 CHIEF ROSS: It does have a window of circumstance.

17 CHAIR WEISSER: Yeah.

18 CHIEF ROSS: Of course, we are talking about an
19 environment when the certification is an issue if you look at
20 the waiver and while you're getting it repaired. So the other
21 point is that all the waivers are issued through the referee and
22 the referee's system does a very good job in terms of providing
23 data about the different programs.

24 CHAIR WEISSER: Okay.
25

1 CHIEF ROSS: And I understand what you're saying
2 though.

3 CHAIR WEISSER: Thank you very much, Chief Ross.

4 CHIEF ROSS: You're welcome.

5 CHAIR WEISSER: Thank you. We're going to wait until
6 both agencies for public comments. So we're going to take the
7 ARB right now and then get public comments after. ARB? Good
8 morning, Sylvia.

9 MS. MORROW: Yeah, it's still morning. Good
10 morning.

11 CHAIR WEISSER: Check.

12 MS. MORROW: Yeah, good morning, Mr. Chairman.
13 Sylvia Morrow with the California Air Resources Board. I'd
14 first like to give a couple little updates on things before I go
15 into the presentation. The first is that you'll be happy to
16 hear that the ARB/BAR joint report has been sent to the
17 governor's office and is now awaiting his action.

18 CHAIR WEISSER: Well, congratulations to both agencies.
19 Has it changed any or is it still what the Committee saw?

20 MS. MORROW: It has been clarified. So you -

21 CHAIR WEISSER: Now, there's a second inter - excuse
22 me. There is a second quote interesting unquote word that I've
23 heard today, clarified.

24 MS. MORROW: That's right.

25 CHAIR WEISSER: Okay.

1 MS. MORROW: Yes, it has been clarified.

2 CHAIR WEISSER: Well, we're anxious to see if and when
3 it emerges from the governor's office, and then we'd expect for
4 the agencies to present it to us in its new clarified form -

5 MS. MORROW: Yes.

6 CHAIR WEISSER: - so that we could understand what
7 changes may or may not have been made in the report. But that's
8 good news. Thank you.

9 MS. MORROW: Okay. And the second item that I'd
10 like to bring up is - you know - per Dick Ross' conversation
11 regarding our current contract with Sierra and one of the tasks
12 - you know - as he discussed, was to look at - you know - why do
13 cars fail within six months of passing a smog check and being
14 repaired? And so we have recently had a meeting with ARB and
15 BAR to discuss a proposal that Sierra had given us. We still
16 see some issues with that proposal and so ARB and BAR are going
17 to be jointly getting together with the contractor to discuss
18 the issues. And then subsequent to that, we will be providing
19 the IMRC - we will be soliciting public comment on our proposal.
20 So I just wanted to pass that.

21 CHAIR WEISSER: You will be soliciting public comment
22 before you sign the proposal you mean or -

23 MS. MORROW: No, it's a test plan.

24 CHAIR WEISSER: Ah, so you -
25

1 MS. MORROW: It's - I'm sorry. That's - you know -
2 we will be soliciting your comment on the test plan and what we
3 envision the test plan looking at.

4 CHAIR WEISSER: Great. And the opportunity for the
5 public to also provide you comments.

6 MS. MORROW: Exactly.

7 CHAIR WEISSER: You want to use the IMRC meeting as a
8 vehicle to get public comments?

9 MS. MORROW: Exactly.

10 CHAIR WEISSER: Very good. When do you think that will
11 be?

12 MS. MORROW: Well, we're still in the process of
13 setting up that meeting and we're hoping by the end of the year.

14 CHAIR WEISSER: This year?

15 MS. MORROW: Yes. I'm hoping by the end of this
16 year.

17 CHAIR WEISSER: Okay. Thank you.

18 MS. MORROW: Okay.

19 CHAIR WEISSER: Dennis?

20 MEMBER DECOTA: You mentioned you went out for contract
21 proposal.

22 MR. MORROW: Yeah.

23 MEMBER DECOTA: Would you supply IMRC staff with the
24 contractors that were on that list?

25 MS. MORROW: That we sent it out to you.

1 MEMBER DECOTA: Right.

2 MS. MORROW: I can try and find it but I think - I
3 don't know if you were at the last meeting, Dennis.

4 MEMBER DECOTA: I was not.

5 MS. MORROW: Okay. And we did send the proposal out
6 to numerous contractors and when we received the bids we
7 received one bid for the contractor and many of the contractors
8 that we had sent it to were now subcontractors for the main
9 contractor.

10 MEMBER DESOTA: Okay.

11 MS. MORROW: Okay?

12 MEMBER DESOTA: But would you supply that information
13 to our staff?

14 MS. MORROW: Okay.

15 CHAIR WEISSER: Thanks, Sylvia.

16 MS. MORROW: Okay.

17 CHAIR WEISSER: Please continue.

18 MS. MORROW: All right. So what I'm going to
19 discuss now is I have - oh, first of all, okay. I'm going to be
20 providing you two presentations today. One regarding the low
21 pressure evap and the other regarding the post repair cut
22 points. The other two items, the remote sensing and the OBD-2
23 report have still not been completed to agency satisfaction, so
24 they're still in the review process. So I don't have anything
25 further to discuss on those. All right. Oh.

1 All right. As you know, the low-pressure evaporative test
2 has been discussed very thoroughly here at the IMRC Committee.
3 And so I'm going to go into basically what the issues were for
4 implementing the test. First of all, I'm going to discuss the
5 test background, kind of our legal commitment, technical issues
6 with the tester, our findings, and next steps.

7 And just on a preference, this is - you know - ARB's
8 perspective at this point and we will be supplying the Bureau of
9 Automotive Repair with a report, it's in a draft form right now,
10 in which we will discuss a lot of the environmental impacts
11 associated with the low pressure evap. Not an EIR report, but
12 basically the cost effectiveness, how we came up with the
13 emission reductions and stuff like that. And so that report is
14 in draft form and will be transmitted shortly to the Bureau of
15 Automotive Repair.

16 Okay. Test background. First of all, back when USEPA
17 designed the enhanced program the low pressure evaporative test
18 was part of their enhanced smog check performance standard. And
19 so in order to meet the enhanced performance standard, ARB and
20 BAR looked into implementing the low-pressure evaporative test.
21 First of all, it identifies a leak in the evaporative control
22 system and it is applicable to '76 to '95 model year vehicles.
23 The evaporative emissions are checked for '96 and newer vehicles
24 evaporative emissions are checked via the onboard diagnostic
25 computer.

Okay. Our legal commitment for the low pressure test is the low pressure evaporative test is the only outstanding commitment we currently have with the enhanced smog check program. Per our August 2000 letter to USEPA, we listed a

(Off the Record)

CHAIR WEISSER: It's back on.

MALE COMMITTEE MEMBER: It's back.

MS. MORROW: Is it back on? Oh, sorry. In 2000, ARB and BAR jointly evaluated the smog check program when we were falling short. And so we provided USEPA with a list of improvements and to this day, we have implemented all those improvements except for the low pressure test. Failure to implement the test could jeopardize about 2.5 billion in transportation funding due to conformity labs statewide. Basically what that means is that we include these benefits in the out years to show transportation conformity. If an agency can't demonstrate that they conform to the sip, the federal government doesn't allow their funds to be used for transportation projects. There's also potential litigation for failure to implement and that is allowed under the Clean Air Act.

As stated earlier and you have heard before, we had many technical issues to address before implementing this program. Last year Chief Ross was looking, reviewing a potential regulation for this device and came across many technical issues

1 that needed to be addressed and they were important issues. The
2 first issue is understanding the false failure rate, developing
3 tester technology accurate for California conditions,
4 understanding the repairs and associated emission benefits
5 associated with the low pressure evaporative test, gauging the
6 portion of the fleet that could be tested, and addressing
7 equipment costs.

8 First of all regarding the false failure rate. We have now
9 remedied the false failure rate issue. Health and Safety Code
10 44013 requires that a false failure rate be less than five
11 percent for any equipment or part, anything due to the smog
12 check program. And what that basically means is that you cannot
13 have more than five percent of the cars fail that do not have a
14 defect on them. So -

15 CHAIR WEISSER: That don't have a defect or that upon
16 retest would pass?

17 MS. MORROW: That do not have a defect. So
18 basically what that means, that the tester is not accurately
19 identifying that there is a failure. The tester is identifying
20 failures in cars where there is a pass. So in 2002, there were
21 some prototypes tests that were done that showed a false failure
22 rate in excess of five percent, almost at like 50 percent level.
23 And so we were very concerned with that issue. And again, it
24 was we're using a prototype tester. In 2005, ARB in
25 consultation with BAR tested 23 vehicles to examine this false

1 failure rate issue. And luckily, the test results showed a zero
2 percent false failure rate.

3 Tester technology needed to be accurate for California.
4 Early low-pressure evaporative testers that were used in other
5 states in centralized programs did not compensate for fuel
6 temperature, fuel volatility, and tank volume variability's.
7 The tester would allow false passes. And specifically, the
8 false passes would most likely occur during the summertime when
9 the temperature was increased. And so we thought that was very
10 important. We didn't want the tester to falsely pass vehicles,
11 especially during the most critical time of the year for ozone
12 formation. So BAR worked with the manufacturer to develop a
13 tester that compensated for all three of these variables.

14 Evaporative failures can be repaired. I know that is one
15 of the issues that you hear at times for many of the repair
16 industry is how - you know - can these failures be repaired? So
17 ARB and BAR need to understand the repairs, not only for the
18 emission benefits but also to determine the cost effectiveness.
19 In 2002 and 2005 ARB repaired 33 vehicles with identified
20 evaporative emission defects. The majority of the repairs were
21 associated with hoses, fuel tanks, filter, and accented fuel
22 sending unit. And the average repair cost was approximately
23 \$160 and the majority of the repair cost was labor.

24 Evaporative repair emission benefits are significant. In
25 2002 ARB conducted pre and post repair diurnal emission tests on

1 ten vehicles and those are called shed tests. In 2005 ARB
2 conducted pre and post repair tests on three vehicles and hot
3 soak emission tests. We also used data from a testing done for
4 USEPA that looked at both pre and post repaired diurnal, hot
5 soak, and running loss emission tests on eleven vehicles. Using
6 this data we estimated that the emission reductions in calendar
7 year 2010 were about 14 tons per day of reactive organic gases
8 statewide. In addition to reducing reactive organic gases, you
9 also reduce toxic exposure to the people driving the cars.

10 Over 90 percent of the fleet can be tested. The testable
11 fleet from the other centralized programs, Kentucky, Arizona,
12 and -

13 MALE COMMITTEE MEMBER: Delaware?

14 MS. MORROW: Delaware, that's right, had various
15 stages of how many - what percentage of the what we call fleet
16 that this tester was applicable to, '76 to '95 model years,
17 actually had the test being able to be performed on them. And
18 it was strange that testability ranged from 60 percent in
19 Arizona to 18 percent, I believe that was Delaware or Kentucky.
20 I'll have to check. So we were concerned with that issue
21 because that really impacts not only the cost effectiveness, but
22 the emission reductions.

23 So in 2005 BAR conducted roadside tests on over 1500
24 vehicles to evaluate testability. And what they found out was
25

1 that 91.8 percent of the model year in '76 to '95 fleet could be
2 tested under optimum conditions.

3 CHAIR WEISSER: What does optimum conditions mean,
4 Sylvia?

5 MS. MORROW: Well, since that time there are many
6 improvements such as a pinch point and data base that shows the
7 technician where to pinch off the hoses, locations, and also
8 motivation. But you do have to remember that these were
9 conducted on the roadside. So the technicians out there did not
10 have a lot of time to be able to look around for the test. So
11 we thought that, like I said, that under optimum conditions that
12 91.8 percent of the applicable fleet could be tested.

13 Equipment and consumer costs are manageable. According to
14 BAR the equipment costs range from \$2500 to \$3000 with a \$100
15 annual maintenance cost. We're assuming that stations will
16 likely amortize the cost over five years so it'll be \$600 to
17 \$700 annually per station. BAR and ARB also estimated the
18 consumer cost. Due to increased test time and equipment cost we
19 estimated that the smog check price would increase by about
20 \$7.50 per test.

21 Another thing that we did look at - you know - especially
22 with the rising fuel costs, that by - basically the evaporative
23 losses are unburned hydrocarbons, i.e. unburned fuel. So by
24 reducing those emissions consumers would save about 4.5 million
25 dollars annually in fuel costs.

1 CHAIR WEISSER: So you mean if I spend \$7.50 more I'm
2 going to get 4.5 million dollars?

3 MS. MORROW: Statewide. Statewide for all the
4 consumers.

5 CHAIR WEISSER: So what's the \$7.50 translate into
6 statewide?

7 MS. MORROW: \$7.50 - you know what? I don't have
8 that number off the top of my head but I can find that for you.

9 CHAIR WEISSER: Because that's kind of apples and
10 oranges.

11 MS. MORROW: Okay. Here are our findings of what we
12 found out from ARB as far as looking at the low pressure
13 evaporative tests. We've determined that it does have a false
14 failure rate less than five percent, that the equipment
15 compensates for variables that are important in California, the
16 average repair costs are about \$150 per repair, the 2010
17 emission reductions are 14 tons per day reactive organic gases,
18 91.8 percent of the '76 to '95 model year fleet can be tested,
19 equipment costs run between \$2500 and \$3000, and the cost
20 effectiveness is about \$6700 per ton.

21 The next steps. We encourage BAR to begin their regulatory
22 process. After they've gone through their regulatory process
23 and it meets all their requirements for regulations, we
24 anticipate then at that time the manufacturers will produce and
25

1 certify a low-pressure evaporative tester, and then the stations
2 would implement the low pressure evaporative test.

3 CHAIR WEISSER: Sylvia, I thought I heard you say
4 you're encouraging BAR to conduct the regulatory process. Or is
5 BAR starting the regulatory process?

6 MS. MORROW: Well, they're waiting for our report.

7 CHAIR WEISSER: Ah, which will be given to them?

8 MS. MORROW: Uh - huh. And I'd have to - I don't
9 think that ARB has the authority to tell BAR to. We -

10 CHAIR WEISSER: I didn't either. So what happens? You
11 produce your report. You give it to Chief Ross. Chief Ross
12 looks it over and makes a determination as to whether he
13 believes that they should go forward?

14 MS. MORROW: Well - I mean - they will have to begin
15 - I mean - I would assume that they would begin their regulatory
16 process. You know - during the regulatory process they will
17 receive comments from both consumers and industry and business,
18 and they would have to address those comments. Right now, these
19 are the issues that we know about. There may be issues that
20 come up -

21 CHAIR WEISSER: Yeah.

22 MS. MORROW: - that we are not aware of that during
23 the regulatory process may come up.

24 CHAIR WEISSER: But they don't need to initiate a
25 regulatory process. I mean - if Chief Ross gets the report and

1 he thinks you're full of beans, he could just say I don't like
2 this. I'm not going forward.

3 MS. MORROW: I can't really answer that question.

4 CHAIR WEISSER: I mean - if I were in your shoes and I
5 got something I didn't agree with and I didn't want to deal
6 with, I'd probably just sit on it. I mean - that question, just
7 for this transcription, was directed in jest to Chief Ross.

8 MS. MORROW: Yeah.

9 CHAIR WEISSER: I have a couple of questions and then
10 we'll ask some of the other Committee members to pop in.

11 MS. MORROW: Okay.

12 CHAIR WEISSER: What other states are doing evaporative
13 testing? Are there three or ten or -

14 MS. MORROW: No, just those -

15 CHAIR WEISSER: Just those three centralized programs?

16 MS. MORROW: Arizona, Kentucky, and Delaware, and
17 from my understanding, Kentucky - one of my last conversations
18 with them, they indicated they were going to eliminate it from
19 their smog check program. That was their proposal. I don't
20 know if they have yet, but they were considering.

21 CHAIR WEISSER: Because?

22 MS. MORROW: They didn't express that to me.

23 CHAIR WEISSER: That would be kind of interesting to
24 find out.

25 MS. MORROW: Yeah.

1 CHAIR WEISSER: They were the one that had the, was it
2 the 90 percent ability.

3 MS. MORROW: 18.

4 CHAIR WEISSER: It's 18 percent, I don't know. It's
5 Kentucky, what can you say?

6 MALE COMMITTEE MEMBER: (inaudible)

7 CHAIR WEISSER: Oh, that'll get me in my basketball
8 tournament, I know. BAR and you indicate in tester technology,
9 making it accurate -

10 MS. MORROW: Yes.

11 CHAIR WEISSER: - that you worked with the
12 manufacturers to develop a tester.

13 MS. MORROW: BAR did.

14 CHAIR WEISSER: BAR.

15 MS. MORROW: Yes.

16 CHAIR WEISSER: Or you, I should not ever. BAR worked
17 with the manufacturers to come up with a tester to compensate
18 for these things. I'm confident that those modifications cost
19 money and added to the - you know - cost of the piece of
20 equipment, which is a substantial concern to many of the shop
21 owners, as you know.

22 MS. MORROW: Well, I think, Mr. Chairman, that is -
23 you know - originally, years back I think ARB and BAR had
24 anticipated that the tester would cost approximately \$1100. So
25

1 the increased tester cost reflects the added research and
2 development that the manufacturers have put into the tester.

3 CHAIR WEISSER: So the tester cost went up about 250
4 percent in order to make these modifications. And of course,
5 during that period of time, the fleet that would be captured by
6 this went down in size.

7 MS. MORROW: Yes, but even though the fleet has gone
8 down, those vehicles are still out there and it is still a
9 significant emission reduction strategy.

10 CHAIR WEISSER: And a cost effective one I note.

11 MS. MORROW: Yes.

12 CHAIR WEISSER: So that's a very, very reasonable
13 amount. You indicate that the emission reductions that you'd
14 anticipate would be 14 tons per day of reactive organic
15 compounds. And what's that comparable to in terms of some other
16 state programs that we deal with?

17 MS. MORROW: Well, just - you know - just for
18 information - you know - in 2003 ARB developed a statewide
19 strategy and there were many emission reduction strategies in
20 there that were in the single digit ton per day range. And -

21 CHAIR WEISSER: How much does the - oh, I'm sorry.
22 Please excuse me.

23 MS. MORROW: And in addition, ARB is finding that
24 achieving or finding reactive organic gas reductions are harder
25 to find these days.

1 CHAIR WEISSER: So this would go to sort of the top of
2 the list in terms of the amount of reactive organic?

3 MS. MORROW: I don't think - I don't know. I'd have
4 to look. I can't answer that question.

5 CHAIR WEISSER: But it would be -

6 MS. MORROW: I think it's a decent sized emission
7 reduction strategy.

8 CHAIR WEISSER: Decent size. And what's the total
9 emission reduction strategy in terms of statewide tons per day
10 that you get out of the smog check program?

11 MS. MORROW: The smog-check program, both the basic
12 and enhanced program, reduces about 500 tons per day of NOX and
13 reactive organic gases statewide.

14 CHAIR WEISSER: How much are reactive organic gases? I
15 want to get a number that's comparable to the 14 tons.

16 MS. MORROW: Oh. You know what?

17 CHAIR WEISSER: You don't know.

18 MS. MORROW: I don't know that off the top of my
19 head, but just for informational purposes, I recently did an
20 analysis where actually evaporative emissions are now 43 percent
21 of the emissions of the light duty fleet. So that gives you -
22 hopefully that gives you (inaudible). (overlapping)

23 CHAIR WEISSER: But is that 43 percent - is that just
24 the fuel evaporative or is it also evaporations from tires and
25 paint and the seats of the car?

1 MS. MORROW: That would include - the 43 percent
2 evaporative is the total evaporative emissions from i.e. running
3 losses when the car is driving, when it is resting and you have
4 emissions coming off it while it's cooling down, and there's
5 another procedure that I'd have to look at.

6 CHAIR WEISSER: But is it fuel only or are you -

7 MS. MORROW: I can't say that.

8 CHAIR WEISSER: So because I know that there are
9 substantial emissions that come out of new cars from new tires,
10 from paint jobs, from the baking out albeit slow of the
11 upholstery and other internal functions. I've heard those are,
12 as you were saying, incredibly significant portions.

13 MS. MORROW: You know - I don't know what portion of
14 it is out of that.

15 CHAIR WEISSER: I for one would be interested in
16 getting a sense of comparability.

17 MS. MORROW: Yeah.

18 CHAIR WEISSER: Where does this fit in terms of the -

19 MS. MORROW: And I don't know if our testing that we
20 do in the Almonte laboratory that's shed testing differentiates
21 between those. So that would be something I'd have to find out.

22 CHAIR WEISSER: I'm curious about that and I'd ask you
23 to find it out. You indicated that there are several periods
24 where California tested cars, including the first one where we
25 had difficulties through the more successful ones. Did we run

1 into situations where any of the cars were ruined, where the
2 conducting the test destroyed some of the equipment and forced
3 the consumer to - you know - did hoses crack and crumble? Did
4 things explode? Did we get sued? Were there any problems that
5 were caused by the testing?

6 MS. MORROW: I'm not actually aware of any of those
7 problems, but in my mind if a hose was cracking to that point,
8 that maybe it needed to be replaced anyway.

9 CHAIR WEISSER: But were there any problems in terms -

10 MS. MORROW: Not that I'm aware of.

11 CHAIR WEISSER: Would you take that next step and ask
12 the folks that were responsible for conducting these studies
13 whether there was any equipment damage caused by the testing?

14 MS. MORROW: Okay.

15 CHAIR WEISSER: Okay? And I would be interested in -
16 you know - the cost effectiveness of this, I would say, is
17 pretty damn attractive for me. I am very much concerned over
18 the ability and willingness of the industries to make an
19 increased investment, considering it's a kind of a limited and
20 declining pool of customers. And I think that's something we'll
21 hear many questions about right now and comments on. So we'll
22 start with the comments and we'll start from the far right and
23 go to Mr. Williams first. Sorry. Gives me gripe.

24 MEMBER WILLIAMS: I have two questions. The first
25 concerns your cost benefit analysis of the tons per day.

1 MS. MORROW: Okay.

2 MEMBER WILLIAMS: Is that only for the cars '76
3 through '95?

4 MS. MORROW: Yes.

5 MEMBER WILLIAMS: What about the cars that will be
6 under the OBD-2 system?

7 MS. MORROW: Well, because that was not - I mean -
8 this low pressure test isn't applicable to those OBD-2 systems.
9 They have their own system for checking evaporative losses.
10 That was not included in this evaluation.

11 MEMBER WILLIAMS: Remind me, currently, if an OBD-2
12 equipped car fails, or I guess it's a check engine light.

13 MS. MORROW: Yes.

14 MEMBER WILLIAMS: Does anybody have to do anything
15 about it?

16 MS. MORROW: Yes, because a check engine light would
17 come on and either the consumer is responsible to their car and
18 will take it in, or when their smog check comes on they cannot
19 pass a smog check with the OBD-2 light lit.

20 MEMBER WILLIAMS: Are there any evaporative
21 emissions that are - the types of repairs that we're considering
22 for the older vehicles, are they actually being done on these
23 OBD-2 cars?

24 MS. MORROW: I don't have the answer to that
25 question.

1 MEMBER WILLIAMS: What I'm trying to get at is
2 because there's a tougher system on the older cars, doesn't it
3 make it more imperative that the newer cars actually be fixed?

4 MS. MORROW: Yes, it is important for the new cars
5 to be fixed.

6 MEMBER WILLIAMS: No, I know it's important, but
7 does it add to the pressure to fix them? If so, then this
8 system actually has additional benefits.

9 MS. MORROW: Yeah. Well - you know - adding the
10 low-pressure evaporative test to the smog check program, we
11 still see that for OBD-2 cars there is a test for them. It's
12 just a different test. And so when they're going through the
13 smog check program the test will be there and if there are
14 evaporative problems, they will be repaired.

15 MEMBER NICKEY: May I make a comment?

16 CHAIR WEISSER: Yes, please.

17 MEMBER NICKEY: The majority of the evap failures that
18 we see come through on OBD-2 -

19 CHAIR WEISSER: Identify yourself first.

20 MEMBER NICKEY: I'm sorry, Roger Nickey. I own a test
21 only. The majority of the evap failures I see come through on
22 OBD-2 with the mill on is loose or missing gas caps.

23 CHAIR WEISSER: Thank you. Please continue.

24 MEMBER WILLIAMS: My second question concerns -
25

1 CHAIR WEISSER: Jeffrey, before you leave that
2 question, I wasn't able to follow what you were trying to get
3 at. Is your concept that gee, if you install - you know - if
4 you started this sort of program for the older cars, you said
5 you felt it would put more pressure on the newer cars being
6 tested and repaired. But my understanding is that's the, from
7 what you said earlier, Sylvia, that this pressure test is part
8 in parcel of OBD-2. And if a car, during operation, exceeds
9 limits through its OBD-2 system, that a light would come on and
10 the next time they would come in for routine maintenance, they
11 would be presented with the readout. And then presumably, they
12 make a choice as to whether they're going to do a repair or just
13 put black tape over the light or something. But in any event,
14 they're going to get trapped in terms of dealing with it through
15 their next smog check.

16 MS. MORROW: Right.

17 CHAIR WEISSER: But of course, the newer cars are
18 exempted now up through the sixth year. So they don't get
19 caught for four years or five years potentially after - you know
20 - the OBD light might show a failure. Am I missing something
21 there?

22 MS. MORROW: No, I think that you're correct on
23 that. I mean -

24 CHAIR WEISSER: Now, presumably you wouldn't have many
25 failures because it's new equipment.

1 MS. MORROW: Exactly.

2 CHAIR WEISSER: You know - but was that what you were
3 getting at, Jeffrey? I'm unclear.

4 MEMBER WILLIAMS: I was trying to get at that I
5 think there's some slippage in the OBD-2 system.

6 CHAIR WEISSER: Compared to what this would be.

7 MEMBER WILLIAMS: Yes. People are just ignoring.

8 CHAIR WEISSER: Yes. Well, they can. I don't know if
9 they statistically are. Okay. Dennis?

10 MEMBER WILLIAMS: No, I had a second question -

11 CHAIR WEISSER: Oh, I'm sorry. You had one more. I'm
12 terrible.

13 MEMBER WILLIAMS: - about the false positives. So if
14 I understand, 23 cars were tested. They should've passed and
15 they all did. That doesn't seem a like a huge -

16 MS. MORROW: No, what -

17 MEMBER WILLIAMS: - sample to say that there are no
18 false positives.

19 MS. MORROW: Well it was a - well, if one in 20
20 would've failed, that would've exceeded our five percent error
21 of commission. At that time that was - you know - due to lab
22 availability that was the sample that we selected. And it
23 probably isn't as confident as we like it, but we do think that
24 if the test is done properly that the tester will accurately
25 identify a leak in the evaporative emission system.

1 CHAIR WEISSER: Thank you. Dennis.

2 MEMBER DECOTA: In the states of Arizona, Delaware, and
3 Kentucky, do any of those three states use this exact type of
4 equipment?

5 MS. MORROW: No, none of the other states use it and
6 all the - I believe all three of the other states are
7 centralized programs.

8 MEMBER DECOTA: Understood. Can we get some
9 information from those states with regards to their equipment
10 that they are using on evap and cost factors of that equipment,
11 and also the targeted amount of tons per day that they were
12 intending on getting, and if they have any information as far as
13 what they are getting? The other part of my -

14 CHAIR WEISSER: Including the 18 percent success rate
15 from Kentucky or -

16 MEMBER DECOTA: Right. I mean - there's a reason why
17 Kentucky is trying to bow out of it.

18 MS. MORROW: Yeah.

19 MEMBER DECOTA: So I don't know if that's valid, but at
20 least Arizona and possibly Delaware can shed some light on
21 potential comparisons for us. Again, the cost of the equipment,
22 if they have any results on their goal on what the tons per day
23 were to achieve, and if there's any information on what the
24 program is currently achieving.

1 CHAIR WEISSER: Dennis, you don't need to write this
2 down because we're going to get a transcript and -

3 MEMBER DECOTA: All right.

4 MS. MORROW: Yeah. Okay.

5 CHAIR WEISSER: - we'll mail it to you. But I have a
6 question, Dennis, that the equipment we know is completely
7 different than the California equipment, than what they're
8 proposing might be used in California.

9 MEMBER DECOTA: Exactly right.

10 CHAIR WEISSER: And so I don't know if any of the
11 questions that you've asked will really provide data that's
12 comparable to what's being proposed here.

13 MEMBER DECOTA: What if they were getting 13 and a half
14 tons in their projection and are actually achieving that on a
15 piece of equipment that cost 250 percent less?

16 CHAIR WEISSER: Excellent point, Dennis.

17 MEMBER DECOTA: Thank you.

18 CHAIR WEISSER: Great point.

19 MEMBER DECOTA: The other part of the issue is that 91
20 percent of the vehicles between the model years of, I believe it
21 was '76 through '95, I might be wrong there, are subject - are
22 testable.

23 MS. MORROW: Right.

24 MEMBER DECOTA: So nine percent are not.

1 MS. MORROW: And the nine percent could be due to
2 things like canister location. The canister is in the wheel
3 well. It could be due to hoses that are not pliable. And so
4 those are the reasons for something not being testable.

5 CHAIR WEISSER: Is it model year? Is it by a certain
6 car can't be -

7 MEMBER DECOTA: It could be model. It could be model
8 year. It could be engine family. It could be many different
9 things.

10 CHAIR WEISSER: Okay.

11 MEMBER DECOTA: The location of canisters in some cars
12 are inaccessible. I.e. Porsche, you have to take the fender off
13 to get to it. The point of the matter simply is are you going
14 to exempt those vehicles and make recommendations, either you or
15 the Bureau of Automotive Repair, to specifically within reg
16 exempt those vehicles?

17 MS. MORROW: You know - and I'm not sure about that,
18 Dennis. I mean - that would come out during the regulatory
19 process, and when we actually - if it goes through that we
20 implement the test, I think - you know - we could provide them
21 with a - you know - stations with a list of cars where it is
22 inaccessible. You know - there are other situations where cars
23 are not currently being able to be tested on the dyno
24 (phonetic). BAR finds out of them, they develop policy and
25

1 things like that. So I think this just goes into the standard
2 (unclear). (overlapping)

3 MEMBER DECOTA: But it always lags behind from the
4 standpoint of reality of the consumer -

5 MS. MORROW: Yeah.

6 MEMBER DECOTA: - in dealing with - and there is
7 another party here.

8 MS. MORROW: Well, and that's why - you know - it's
9 very important for stations to participate in the regulatory
10 process to bring those kind of things out in forefront -

11 MEMBER DECOTA: We try. We try.

12 MS. MORROW: - so that we find out - you know -
13 ahead of time until - you know - after the fact.

14 MEMBER DECOTA: I strongly recommend, maybe to the
15 Bureau of Automotive Repair, that that issue be looked at and if
16 there can be any predetermination of cars that are unacceptable
17 to this test -

18 MS. MORROW: Yeah.

19 MEMBER DECOTA: - at the time of the development of the
20 regulation. Now, that being noted and posted on the information
21 sheet so the industry can follow.

22 MS. MORROW: Yeah.

23 CHAIR WEISSER: That was the purpose of my question.

24 MS. MORROW: And Dennis, as you're aware - you know
25 - many times for the test there is - you know - when you're

1 going through the analyzing and you're conducting the test,
2 there are options like not applicable or maybe -

3 MEMBER DECOTA: I agree.

4 MS. MORROW: - you know - for the low pressure evap
5 there will be - you know - unable to perform. There may be an
6 option and so what can happen that way is then BAR enforcement
7 can look and take a look, wow. Shoot, this one station doesn't
8 do tests on all these cars.

9 MEMBER DECOTA: Right.

10 MS. MORROW: But everybody else seems to be able to do
11 it. And you know.

12 MEMBER DECOTA: But if simply the year, make, and model
13 was in the software, when the industry technician took and put
14 that vehicle in for that test, it flagged them that it can't be
15 done, you would save a ton of money. All right?

16 MS. MORROW: Yeah. I mean - and I don't know enough
17 about how the software's developed and things like that, but
18 maybe there's a possibility -

19 MEMBER DECOTA: We're just making a recommendation.

20 MS. MORROW: - a possibility that it could be put in
21 the VLT row when they bring up what the car is -

22 MEMBER DECOTA: Right.

23 MS. MORROW: - and maintained with that vehicle's
24 record.

1 MEMBER DECOTA: Right. I think that - you know - the
2 evap test is important, but I think it's important for a totally
3 different reason. And I think it's one you should look at and I
4 think BAR should look at. I mean - that is to reduction of on
5 road fires. Just the emissions that we save from cars burning
6 up on the side of the freeway would be very, very meaningful.
7 But - I mean - from a consumer's standpoint, this is(Tape Ends)

8 **(Off the Record)**

9 **Tape 3 - Side A**

10 CHAIR WEISSER: The reason I'm real interested in some
11 of the larger numbers, the cost effectiveness numbers, the
12 relative size of the emission reductions that this program could
13 potentially get, is - you know - to see if there are - I mean -
14 this sounds remarkable cost effective. I mean - that's a number
15 that we're not going to see very often these days. We're
16 looking at cost effectiveness numbers for volatile organic gases
17 and organic compounds and - you know - multiples of that. Maybe
18 that there's a - if this is such a good thing for the state and
19 for the health of California citizens, maybe the state should be
20 paying for this equipment through the monies that are collected
21 already for the smog check program that are going into - where
22 are they going into?

23 MS. MORROW: Yeah.

24 CHAIR WEISSER: Oh, I guess some place in the general
25 fund that are being loaned. I mean - you have a situation where

1 there's been a loan of over one hundred million dollars of money
2 collected from consumers, ostensibly for the smog check program,
3 that have gone into the general fund. Then we know the law
4 provides that those will be repaid. Maybe this is a way to
5 repay the loan and repay the citizens in terms of improved
6 health by the state coming forward using this money to cover the
7 cost of this equipment. I'm just thinking out loud, but that
8 certainly would be a, for me, if this is a good program for
9 public health, a compelling reason to call for repayment of the
10 money. Anyhow, just tossing that out there.

11 MALE COMMITTEE MEMBER: Two and a half million
12 dollars.

13 CHAIR WEISSER: Mr. Williams? How much?

14 MALE COMMITTEE MEMBER: Two and a half mil.

15 MEMBER WILLIAMS: I have a few more questions. Mr.
16 Chairman's questions just fired me to think some more. The
17 \$7.50 you're imagining is the extra cost to the consumer just
18 them presupposes that a smog check will be charged differently
19 by the age of the car.

20 MS. MORROW: We would assume that they would pass
21 that cost onto all consumers.

22 MEMBER WILLIAMS: So the OBD-2 owners are going to
23 partly pay for it by - the \$49 is the price everybody pays?
24 There's no distinction?
25

1 MS. MORROW: I would - you know - that's what we
2 assumed.

3 MEMBER WILLIAMS: Okay. Do you imagine that if a
4 particular model is not at 18 percent failure rate but at a 62
5 percent failure rate that that becomes part of the high emitter
6 profile and so it will affect whether that category of vehicle
7 is directed to test only?

8 MS. MORROW: I mean - I think that that is something
9 that we can definitely look into or BAR can look into if it's
10 feasible.

11 MEMBER WILLIAMS: Final question, has any use of the
12 cars that are being crushed now in the retirement programs being
13 looked at to see whether they are particularly high emitters
14 from this evaporative dimension?

15 MS. MORROW: I think not at this time because those
16 aren't - you know what? To tell you the truth, I'm not exactly
17 sure as far as the BAR's program, and I'd have to actually check
18 as far as the state's program if we include evaporative emission
19 benefits.

20 MEMBER WILLIAMS: It seems -

21 CHAIR WEISSER: These are all carbureted vehicles.

22 MS. MORROW: Yeah.

23 CHAIR WEISSER: They're going to be horrible in terms
24 of evaporative emissions.
25

1 MEMBER WILLIAMS: Yeah, so it seems to me that we
2 ought to get that data as it goes along. Why not, right? It's
3 a further benefit to the retirement.

4 CHAIR WEISSER: Good point.

5 MS. MORROW: Okay.

6 CHAIR WEISSER: I hadn't thought of that myself.

7 MS. MORROW: Okay. I guess my next presentation.

8 CHAIR WEISSER: Well, let me just say -

9 MS. MORROW: Oh.

10 CHAIR WEISSER: - are there any further questions here?
11 And I'm getting cries of hunger from the members. Please,
12 Roger.

13 MEMBER NICKEY: Wasn't there a beta test run with the
14 California system with the prototypes that are going to be used
15 in California?

16 MS. MORROW: Yes, there was.

17 MEMBER NICKEY: Well, could we get the results on that?
18 I've always been curious how that worked out because this is the
19 equipment that we would be using in real life situation in
20 California smog checks.

21 MS. MORROW: Yes, BAR collected test results or they
22 collected the data on the beta testing.

23 MEMBER NICKEY: Okay. I'll sure be interested to see
24 what that was, if we can get that.

1 CHAIR WEISSER: I'm noticing Rocky, words appearing on
2 my TV screen and where are those words coming from I ask?

3 MR. CARLISLE: It was just a thought since the test
4 only tests all of the older model year vehicles.

5 CHAIR WEISSER: In other words, you're the generator of
6 those words?

7 MR. CARLISLE: Yes.

8 CHAIR WEISSER: It's been fun knowing you, Rocky.
9 Pardon me?

10 MALE COMMITTEE MEMBER: Where's my keyboard?

11 CHAIR WEISSER: He's got the power. Are there any
12 other questions from members of the Committee? There has been a
13 call or a plea for lunch from one member. Do we want to allow
14 Sylvia to complete her second presentation or should we take a
15 break? Those in favor of taking the break for lunch now, and
16 it'll be an abbreviated lunch break, please raise your hand.
17 One now, two now, three, okay.

18 MS. MORROW: Okay.

19 CHAIR WEISSER: Sylvia, I'm sorry. We're going to take
20 a break for lunch and we'll get back at 1:30. Okay? Thank you.
21 We'll adjourn for the moment.

22 **(Off the Record)**

23 CHAIR WEISSER: Okay. We're going to reconvene the
24 meeting. The meeting will come back into session. Sylvia. We
25

1 don't have a full quorum, but we're going to be taking any
2 actions that I'm aware of. But I'd like to get you started.

3 MS. MORROW: Okay. I'll hurry up before anybody
4 gets here.

5 CHAIR WEISSER: Speak slowly. Please go.

6 MS. MORROW: I need the presentation.

7 CHAIR WEISSER: Ah. How do we get that presentation
8 up? Thank you for your patience.

9 MS. MORROW: Okay. Okay. Again, this is Sylvia
10 Morrow with the California Air Resources Board and I'm going to
11 continue my presentation on my second topic, which is more
12 stringent ASM cut points. I'm going to provide a little bit of
13 a background, talk about the options, discuss their impacts, and
14 then talk about the pros and cons for each of the options, and
15 then potential next steps.

16 Here's a little bit of a planning background. In ARB's
17 2004 draft ARB/BAR report, we recommended evaluating more
18 stringent post repair cut points. In addition, upcoming sips
19 that are due in 2007 and 2008 for the eight hour and PM-2.5
20 standards will need reductions from all sources to meet the
21 health based air quality standards.

22 Little bit on the cut point background. For light duty,
23 current ASM cut points are divided into approximately 25
24 emission standard categories. And what that basically means is
25 each emission standard category is driven by the dirtiest

1 vehicle. And what I'm saying is it's driven by the dirtiest
2 vehicle that is operating at its designed level when it was
3 certified in California. ARB and BAR proposed two analysis
4 options and then Sierra Research analyzed the benefits for each
5 option for three cut point scenarios.

6 The first option was a post repair cut point. What that
7 basically means is more stringent vehicle specific cut points
8 for vehicles that fail the ASM smog check inspection. The other
9 option is lower initial cut points. And that basically is more
10 stringent vehicle specific cut points for all ASM smog check
11 inspections.

12 CHAIR WEISSER: Excuse me. When you say vehicle cut
13 point - vehicle specific cut point, does that mean my car or my
14 model of car?

15 MS. MORROW: Well, in the analysis, for some cars we
16 were able to go down to more of a model year, model, engine
17 size, make, and those things. But for some, due to statistical
18 purposes, we had to go a level up. But it'd be more specific
19 cut points, which more accurately represents your vehicle.

20 CHAIR WEISSER: But it's not on an individual vehicle
21 basis. In other words, you wouldn't have a cut point different
22 for someone who has passed or failed smog check or prior test.

23 MS. MORROW: No.

24 CHAIR WEISSER: Okay.

1 MS. MORROW: So Sierra Research did some analysis
2 for ARB and BAR. And what they did is they took California
3 vehicle grouping for specific failure rates and compared those
4 to failure rates in Arizona and Wisconsin. Then vehicle groups
5 that had a lower average failure rate compared to the Arizona
6 and Wisconsin data were identified to be further analyzed. So
7 the contractor then analyzed that data and current level cut
8 points were lowered based on pollutant and test mode, and then
9 passing vehicle ASM results were used to confirm the revised cut
10 points. It's pretty detailed. I've tried to simplify the
11 research as much as I can, but the real details of the research
12 are in the Sierra Cut Points paper that I did provide to the
13 IMRC Committee.

14 Here we'll talk about the failure rate impact. The current
15 failure rate is about 10.4 percent, and this was using the data
16 that was used for the Sierra Cut Point report. The post repair
17 cut point failure rate would again still be 10.4 percent because
18 we're not going to be failing any additional cars. With the
19 lower initial cut points, the failure rate would go up between
20 11.9 to about 12.8 percent, depending on the different three
21 scenarios.

22 The emission benefits. For post repair cut points, we
23 estimated the emission benefits depending on how low we went,
24 between 4.8 tons per day and 6.3 tons per day rog (phonetic) in
25 NOX. To lower just the initial cut points for all vehicles, it

1 was about 5.5 tons per day to 7.8 tons per day ROG in NOX for
2 the different three scenarios.

3 Cost effectiveness. The post repair cut points were very
4 cost effective, ranging from \$3200 per ton to \$1400 per ton for
5 ROG in NOX, while the lower initial cut points were higher, but
6 still within what ARB considers cost effective, ranging from
7 1100 tons per ROG in NOX to 11.8 -

8 CHAIR WEISSER: 11,000.

9 MS. MORROW: Eleven - I'm sorry, 11,000. Thanks for
10 the correction - to 11,800 tons per day ROG in NOX.

11 Right now I'll discuss the pros and cons of the post repair
12 cut points. Basically, the pros are it's - you know - very cost
13 effective. There's significant emission reductions. However,
14 on the con side, ARB and BAR believe that a statutory change is
15 required to implement a second level of cut points. Also, we
16 believe that increased pre-inspections will likely erode the
17 emission benefits. Basically, that in order - a car will just
18 be pre-inspected until it passes so that the car would not be
19 subject to the more stringent cut points.

20 CHAIR WEISSER: Ah.

21 MS. MORROW: We also think that it may complicate an
22 already complicated smog check program and a software update
23 would be required to implement this change.

24 The pros and cons of the lower initial cut points. ARB and
25 BAR believe that no statutory change is required. The approach

1 is consistent with current practices. It has significant
2 emission reductions. It's cost effective and more cars are
3 repaired. The con would be still, a software update would be
4 required to have the increased number of emission standard
5 categories. Yes?

6 CHAIR WEISSER: The difference between the post cut
7 point being higher versus the initial, were you thinking of the
8 past points being the same in both cases?

9 MS. MORROW: Yes.

10 CHAIR WEISSER: In other words, we have raised them
11 either before or after.

12 MS. MORROW: Yeah, the cut points are the same.
13 It's just that for one option the cut points would only be
14 applied if a vehicle fails.

15 CHAIR WEISSER: Got it.

16 MS. MORROW: Okay. Our findings are from ARB's
17 perspective, the lower initial cut points is the preferred
18 approach. We believe that it'd be easier to implement. It's
19 consistent with the current smog check program. It identifies
20 and repairs more cars, and it provides cost effective emission
21 reductions.

22 The next steps would be, if we were to implement this
23 program, would be BAR would need to develop regulations to lower
24 the initial cut points, and BAR would need to modify their
25 software to allow for vehicle group specific cut points.

1 CHAIR WEISSER: Thank you, Sylvia.

2 MS. MORROW: Okay.

3 CHAIR WEISSER: Excellent report. I will start off, as
4 usual, with my little rundown of questions. I must admit, and
5 if you could put the 4th slide on where you go cut point
6 background, is that possible? Whoops. One more forward.

7 MR. CARLISLE: Forward.

8 MS. MORROW: Oh, it's not up on the screen.

9 CHAIR WEISSER: There we go. I'm going to reveal my
10 ignorance.

11 MS. MORROW: Okay.

12 CHAIR WEISSER: What do you mean by the ASM cut points
13 being divided into 25 emission standard categories?

14 MS. MORROW: I should have brought a copy of those.
15 What it basically says is that vehicles are grouped per their
16 model year and per their, whether they're a passenger car, light
17 duty truck, heavy duty vehicle. And for some of them - you know
18 - I don't have it right here in front of me, it's even a model
19 year grouping. So it would be, and don't quote me on - I mean -
20 this isn't the specific, but like the latest cut point is '96
21 and newer. So all '96 and newer cars, I believe '96, yeah, are
22 subject to the same cut points.

23 CHAIR WEISSER: And we have 25 of those cut points
24 based on model year, but you also said engine type.

1 MS. MORROW: Well, what it is is that they're based
2 on the - the cut points are based on the model year. However,
3 the level of the cut point is driven by the dirtiest vehicle in
4 that category. So let's say X brand vehicle, I'm not going to
5 mention a brand, even though when it was certified in California
6 it met the California emission standards out to its useful life,
7 which at that time was three year and 50,000 miles. But since
8 that time - you know - it is a car that is probably dirtier than
9 some other cars that were certified that same year. And so the
10 cars in that one category are driven by the dirtiest car. And
11 what that actually means is that there may be a clean car in
12 that category that has emission control components that are
13 operating properly. However, it is not caught because the
14 emission standard is set at a higher level.

15 CHAIR WEISSER: And that makes sense because?

16 MS. MORROW: Well, because it was how the software
17 was designed. I mean - I don't know the specifics of how those
18 emission categories came into place. That's back history.

19 CHAIR WEISSER: Okay. Well, that to me raises a bunch
20 of questions, but not necessarily germane to your report.

21 MS. MORROW: Okay.

22 CHAIR WEISSER: But maybe. I mean - why - I'll just
23 toss out the fundamental question.

24 MS. MORROW: Okay.

1 CHAIR WEISSER: Why don't we have cut points designed
2 and developed for each engine type and model year engine type?
3 You performed tests on all of these things to see their
4 deterioration rates and it would seem to me you would be able to
5 capture more emissions by tightening up, not just the very
6 dirtiest, but also ensuring repair and good maintenance on the
7 better cars too.

8 MS. MORROW: Well, if we had cut points for every
9 single car out there, every make and model, it would be a very
10 large number of cut points. There are many cars in the smog
11 check program. I don't know if the VID has the capability to
12 handle in the analyzer. I can't answer that question.

13 CHAIR WEISSER: Okay. Well, I'd like an -

14 MALE COMMITTEE MEMBER: Could I interject?

15 CHAIR WEISSER: Give me a shot. You bet you.

16 MALE COMMITTEE MEMBER: You might just mention the
17 proposed number if expanded, from 25 to what? Put this into
18 context. But it's 25 to 10,000 different -

19 CHAIR WEISSER: Really?

20 MALE COMMITTEE MEMBER: - vehicles by your extreme.

21 MS. MORROW: Yeah.

22 MALE COMMITTEE MEMBER: But that's not what's
23 proposed is by 25 to 40 or -

24 MS. MORROW: Yeah, and I'd have to look. I don't
25 really know off the top of my head. Let me see.

1 CHAIR WEISSER: Well, let me just keep babbling while
2 you're checking. I just can't imagine that there are hundreds
3 of engine models that are produced every year. I mean - there
4 are. I see knowledgeable heads in the audience saying in fact
5 that there are hundreds and hundreds of engine models produced
6 every year. I thought that there - you know - each company
7 might have - you know - half a dozen or a dozen models.

8 MS. MORROW: Well, when you think about it - I mean
9 - each model has many different options and levels - you know -
10 a four cylinder, a six cylinder engine -

11 CHAIR WEISSER: That's two.

12 MS. MORROW: - per model.

13 CHAIR WEISSER: Now, they're using the same engine in
14 four different cars. I mean -

15 MS. MORROW: Yeah, but when you spread that over -
16 also, how many cars does this - let's see. We have '76 to - you
17 know - whatever. Let's just say to 2005. So let's just say
18 there's 30 years of - you know - car model options.

19 CHAIR WEISSER: Right. No, I can see there could be
20 thousands.

21 MALE COMMITTEE MEMBER: (inaudible)

22 CHAIR WEISSER: I told you I'd reveal my ignorance.

23 MS. MORROW: Yeah.

24 CHAIR WEISSER: Next? Thank you, Sylvia.

1 MS. MORROW: Okay. And as far as finding out how
2 many expanded to, I don't have that data in front of me and I
3 will find that out for you.

4 MALE COMMITTEE MEMBER: But that's the relevant
5 number here, correct?

6 MS. MORROW: Yeah.

7 CHAIR WEISSER: So what we basically are hearing you
8 recommend, I want to make sure I understand this, is a very
9 relatively simple solution. The way to get more emission
10 repairs made is fail more cars.

11 MS. MORROW: Exactly.

12 CHAIR WEISSER: Okay. Now, the cars that you would end
13 up failing are marginal fails. Let me call them that. They're
14 not cars that you'd fail under the 10.4 percent cut point.
15 They're the next one or two percent of the cars in terms of
16 their emission characteristics as captured by the test. They're
17 marginal fails. They're not gross fails. They're marginal
18 fails, right? Am I right there?

19 MS. MORROW: Some may be marginal fails.

20 CHAIR WEISSER: Well, by definition, I would think
21 they're all marginal fails because you're already capturing the
22 10.4 worst fails.

23 MS. MORROW: Yeah.

24 CHAIR WEISSER: And you're just getting that increment
25 between 10.4 and 11.9 versus 12.8 in terms of the vehicle fleet.

1 MS. MORROW: Well - I mean - that's true on that
2 end. However, we anticipate that this might provide more
3 durable repairs because the cars would have to be repaired to a
4 lower emission standard. You may not be able to just pass the
5 test by just slapping on a catalytic converter. So this is
6 something that we are looking at for providing more durable
7 repairs, and more complete repairs to the emission control
8 components of the vehicles.

9 CHAIR WEISSER: Excellent point. I hadn't thought of
10 that. What I had been thinking of is that the reason your cost
11 effectiveness goes way down, well it gets -

12 MS. MORROW: Yeah.

13 CHAIR WEISSER: - you get a higher number, becomes
14 relatively less cost effective. Is it because repairs on
15 marginal failures are harder to diagnose and then harder to
16 repair?

17 MS. MORROW: No - I mean - the cost effectiveness
18 goes down because, you're right, that there are some marginal
19 failures that the cost of repair will be more significant than
20 what the emission reductions are. But it's just you're
21 repairing more cars. There's more repair costs associated than
22 if you were just to repair it down further.

23 CHAIR WEISSER: Okay. I don't understand what you just
24 said.

1 MS. MORROW: Basically what it is is that - you know
2 - we have a current - on BAR's executive summary they provide
3 data on what the average repair cost is.

4 CHAIR WEISSER: Right.

5 MS. MORROW: What the average repair cost is for
6 different types of stations. And so what we thought was that
7 well, the average repair cost doesn't actually hold value
8 anymore because we're saying you're going to be providing more
9 repairs on the vehicles by lowering the cut points. And so we
10 selected - we noticed that the gold shield. And we thought,
11 well, the Gold Shield is supposed to be providing more durable
12 repairs, and so we used that. And for the new failures that
13 were found via the cut points for everyone across the board,
14 that whole increment, because they wouldn't have had to have had
15 a repair in the first place -

16 CHAIR WEISSER: Uh - huh.

17 MS. MORROW: - and now they would've had a more
18 durable repair. While with the post repair cut points, there's
19 just an incremental increase in the repair cost. And so that's
20 why that cost effectiveness is lower.

21 CHAIR WEISSER: Okay. You talk about software update
22 needed.

23 MS. MORROW: Yes.

24 CHAIR WEISSER: Can you give me an idea of what we're
25 talking about there in terms of cost?

1 MS. MORROW: You know - that's a BAR topic - you
2 know - in the past. I mean - Dennis might know and Roger might
3 know a little bit better about what a software update costs.
4 Usually, what they do is they do package many improvements in
5 it.

6 MALE COMMITTEE MEMBER: Costs about \$1200.

7 MS. MORROW: Yeah, so it's - yeah, \$1200. Around
8 that.

9 MALE COMMITTEE MEMBER: There's no free lunch.

10 CHAIR WEISSER: There's no free lunch, so the stations
11 pay for this. This isn't something the state develops. It's
12 something that the people who own or lease the manufacturer
13 leased the equipment sell to their audience, their users.

14 MS. MORROW: Yeah, because the manufacturer would
15 have to develop the software and then will provide it to their -

16 CHAIR WEISSER: Mr. Keller, do we need to report an
17 industrial accident? Thanks, Sylvia.

18 MS. MORROW: Okay.

19 CHAIR WEISSER: I'll start letting Committee members
20 ask questions and I'll start them. Any questions on this side?
21 No? Dennis. Whoops. Got to have it up, Robert.

22 MALE COMMITTEE MEMBER: Robert had it.

23 CHAIR WEISSER: Okay. We'll start with Roger.

24 MEMBER NICKEY: I didn't really have a question as much
25 as I had a comment on the software update, was that at least in

1 my frame of reference, I don't pay for software updates because
2 I have a -

3 CHAIR WEISSER: Leased type -

4 MEMBER NICKEY: I have a lease type situation and you
5 pay a maintenance fee. So when the updates come I don't get
6 charged for them.

7 CHAIR WEISSER: But some people would.

8 MEMBER NICKEY: If you didn't - I believe, and I - now,
9 I have ESP. I don't know what the situation is with other
10 companies, but at least mine, I don't pay for software updates.

11 CHAIR WEISSER: Thank you. Robert?

12 MEMBER PEARMAN: You were referring to the
13 differences between the need for legislative change between the
14 possibilities and the lower initial cut points. Is that because
15 you feel there's a reg that says you can change some of the 30
16 percent of the criteria?

17 MS. MORROW: Yeah, well, BAR already had the
18 authority to set cut points. There's a question of whether they
19 have the authority to set a second set of cut points for post
20 repair.

21 MEMBER PEARMAN: But, and if I recall, I'm reading
22 some footnotes from the Sierra study, but they can only adjust
23 them by no more than 30 percent without legislative -

24 MS. MORROW: Yeah.

25 MEMBER PEARMAN: That's what you're referring to?

1 MS. MORROW: Yeah, and I believe - you know - the
2 current cut points, I'd have to check, that are in regulation,
3 we'd have to find out whether that these are - because these
4 were just changed to about 30 percent. So I'm not sure if BAR
5 has made some recent changes to the ones that are in regulation,
6 but we'd anticipate that would require regulation to change
7 these.

8 MEMBER PEARMAN: So you think it can increase 30
9 percent or decrease 30 percent and done so again three years
10 later without legislative change? Is that what you're saying or
11 is just what -

12 MS. MORROW: Well, BAR has the authority to set cut
13 point. I mean - there are requirements for cut points. You
14 know - number one, that they can't cause an error of commission
15 rate more than five percent.

16 MEMBER PEARMAN: Uh - huh.

17 MS. MORROW: And I believe, and I'd have to check my
18 facts on this, that they can't be more stringent than the car
19 was designed to meet. So - I mean - there are some
20 requirements.

21 MEMBER PEARMAN: Now, there are 25 emission
22 standard categories now and you propose to increase them, though
23 you haven't been able to give us the number, correct?

24 MS. MORROW: Right. I don't have it at hand.
25

1 MEMBER PEARMAN: So you feel the regulation now
2 allows BAR to create more emission standard categories.

3 MS. MORROW: Yes.

4 MEMBER PEARMAN: Okay. Have they done that in the
5 past where they've increased them pursuant to what's in the
6 table and the regulations in the past?

7 MS. MORROW: I'd have to check. I don't know off
8 the top of my head.

9 MEMBER PEARMAN: I saw the Sierra report of July
10 14th development of emissions impacts of more stringent ASM cut
11 points. Is that the Sierra research you referred to here?

12 MS. MORROW: Yes.

13 MEMBER PEARMAN: They have a chart in there which
14 referred to cost effectiveness of more stringent ASM cut points,
15 dollars per ROG NOX reduced. And under their scenarios, they
16 have a range in near term and mid term from a low \$6300 to \$8200
17 per ton. And your chart for at least the lower initial cut
18 points is much larger, \$11,000 per ton in terms of cost
19 effectiveness. So do you know if I'm comparing apples and
20 oranges or can you explain the difference between the figures?

21 MS. MORROW: Yes, I can explain the difference.
22 Originally, they had specified that the repair cost, which
23 should be the average BAR repair cost, in their analysis. And
24 after the fact, ARB staff, we thought about it some more and we
25 thought well, if these are actually more stringent repair cut

1 points requiring more durable repairs, it can't be the same
2 average repair cost.

3 MEMBER PEARMAN: So they'd be more expensive then.

4 MS. MORROW: Right.

5 MEMBER PEARMAN: Okay.

6 CHAIR WEISSER: And how did you figure out how much
7 more expensive they'd be?

8 MS. MORROW: That's when we used the data from the
9 Gold Shield stations average repair cost and thought that we
10 needed to use some kind of actual data, and we thought that that
11 was the best to reflect what it could be.

12 MEMBER PEARMAN: Thank you.

13 CHAIR WEISSER: Are you through, Mr. Pearman?
14 Following up on the question that Robert asked in the pros and
15 cons of the tougher cut points after failure, it would seem to
16 me one enormous con would be - I mean - the potential for
17 consumers to feel ripped off or be ripped off by stations - you
18 know - using that new bifurcated system, lower initial past,
19 higher post repair. And that would cause, I think, a
20 significant political reaction.

21 MS. MORROW: Yes.

22 CHAIR WEISSER: Is that accurate? And if so -

23 MS. MORROW: Well, we did not discuss that. I think
24 we generalized that in that it complicates the smog check
25

1 program, and any time a complication arises in the smog check
2 program there always is a little discussion.

3 CHAIR WEISSER: I remember when past this issue has
4 come up we've had members of the public - you know - kind of
5 saying don't put me in that - or I should say, members of the
6 industry saying don't put me in that situation. It will be very
7 difficult for me to work with my customers in a way that will
8 leave them smiling.

9 MS. MORROW: Yeah, and that's why we thought that
10 lowering the initial cut points was a better option because of
11 the fact that you don't have consumers having two sets of
12 standards. And then also because we thought that the industry
13 would gain the system, would try to - people would no longer -
14 they wouldn't have a real smog check inspection until they
15 passed.

16 CHAIR WEISSER: Thank you. Dennis?

17 MEMBER DECOTA: Dennis DeCota. Sylvia, listening to
18 Dr. Cahill this morning, looking at the cut point issue and
19 health related issues, wouldn't it behoove us to look at the H-C
20 cut points in the light of his report to see specifically since
21 he basically made the statement that we were meeting attainment
22 in the other areas. Couldn't we save -

23 MS. MORROW: Not meeting attainment.

24 MEMBER DECOTA: Not meeting attainment. Smog producing
25 elements were not as great in other areas. I think that's fair

1 to say. Wouldn't it behoove us to really kind of zero in on H-C
2 cut points in vehicles between '76 and '95 and - you know -
3 start it in that method using a - because I'll tell you what's
4 happening. All right? Is of course, lose compression. When
5 they lose compression they don't work as efficiently and they
6 pollute. And it's because of mileage, wear and tear, age, and
7 lack of changing oil. I mean - it's a given fact that you can
8 pass smog by simply changing the oil, right?

9 MS. MORROW: I never knew that.

10 MEMBER DECOTA: Really? Well, it's true.

11 CHAIR WEISSER: Really?

12 MEMBER DECOTA: Yes. Roger, you agree?

13 MEMBER NICKEY: (inaudible)

14 MEMBER DECOTA: Okay. Well, it's nothing new. The
15 point that I'm trying to make is that it becomes polluted.
16 Okay? And with the less compression and everything else, why
17 don't we take and go to the worst offenders immediately? Why
18 are we taking this broad brush approach?

19 MS. MORROW: Well - I mean - these cut points do
20 reduce H-C emissions also. It isn't just NOX. And the way the
21 analysis work is we had to - you know - to weed things out we
22 looked at were other cars failing more in other areas of the
23 country in comparison to California cars? And so we took a
24 broad brush approach that way. And some of them are older cars,
25 some of them are newer cars. But - I mean - that was the

1 procedure we thought that would provide a lot of emission
2 benefits.

3 MEMBER DECOTA: But on evap you're telling us we're
4 going to gain 14 tons per day.

5 MS. MORROW: Yes.

6 MEMBER DECOTA: And you sure didn't use a broad brush
7 approach in developing that.

8 MS. MORROW: Well, we used a - I guess I'm not
9 exactly understanding your question, Dennis.

10 MEMBER DECOTA: Well, what I'm saying is - you know -
11 you're saying one thing to justify - you know the research. I
12 mean - here's a report by, I think, someone that you probably
13 have worked with in the past.

14 MS. MORROW: Yeah.

15 MEMBER DECOTA: Now heart and lungs invested and worked
16 with as far as finding out, and he's helping us zero in -

17 MS. MORROW: Yeah.

18 MEMBER DECOTA: - on one particular issue that can be
19 reflected in this to improve the program. But yet - you know -
20 here we are I think throwing a lot of energy and effort into
21 areas that we're not going to get the bang that we need.

22 MS. MORROW: Well - I mean - there's a lot of areas
23 that - you know - could be gone after to improve the smog check
24 program. Many of them then that you had recommended in your
25 report and what we had recommended in our report. But - you

1 know - they're options and many times - you know - the agencies
2 don't have the authority. But - you know - as far as, like I
3 said, they looked at all the vehicle fleet, fleet wide. That
4 includes older and newer cars. And we said what cars can we put
5 more stringent cut points on that would provide us some emission
6 benefits? And that's what the contractor did.

7 MEMBER DECOTA: I don't know.

8 CHAIR WEISSER: Okay.

9 MEMBER DECOTA: Yeah.

10 CHAIR WEISSER: Jeffrey?

11 MEMBER WILLIAMS: I read the Sierra report fairly
12 closely. Being a statistical analysis, it interested me.

13 MS. MORROW: Yeah.

14 MEMBER WILLIAMS: I approve of this idea of
15 comparing to the experience in other states, but I'm left very
16 concerned that the situation is identical in other states and
17 that there may not have been a proper control done for that.
18 And so to single out particular vehicles as having a different
19 history, say in Wisconsin, and adjusting our own cut points from
20 that -

21 MS. MORROW: Yeah.

22 MEMBER WILLIAMS: - seems to me a bit of a stretch.
23 To be more specific, there wasn't an analysis that said that the
24 cars, say a 1987 Golf, I'll go to that example -

25 MS. MORROW: Yeah.

1 MEMBER WILLIAMS: - have the same mileage in
2 Wisconsin as in California. And that might be affecting failure
3 rates. It's just the simple fact that I don't think that cars
4 last very long in Wisconsin.

5 MS. MORROW: Yeah.

6 CHAIR WEISSER: Little bit of a salt problem.

7 MEMBER WILLIAMS: There's the salt problem.

8 MS. MORROW: Yeah.

9 MEMBER WILLIAMS: And those that do last seem to me
10 to be of a different character than in California, or
11 potentially.

12 MS. MORROW: Yeah.

13 MEMBER WILLIAMS: And I don't know how to control
14 for that.

15 MS. MORROW: Well -

16 MEMBER WILLIAMS: And it seems to me we have to
17 control for that somehow.

18 MS. MORROW: Yeah. We also had - you know - for
19 most of those cars - I mean - there was some statistical issues,
20 but we also had passing values for cars that passed the smog
21 check for all of those cars.

22 MEMBER WILLIAMS: Yeah.

23 MS. MORROW: And so that was part of the comparison
24 too, is that looking at the other states was like an
25 identification process.

1 MEMBER WILLIAMS: Yeah, it's just a technical
2 question. Does Arizona have fast pass?

3 MS. MORROW: I don't know. I know, and then -

4 MEMBER WILLIAMS: So that's already going to skew
5 things.

6 MS. MORROW: Yeah.

7 MEMBER WILLIAMS: But let me go another direction,
8 and I've been thinking about this a lot every since you gave me
9 that report. It seems to me that there's useful information in
10 a particular vehicle's history.

11 MS. MORROW: Yeah.

12 MEMBER WILLIAMS: And I've been focusing on that.
13 Remember my paired Honda's?

14 MS. MORROW: Yeah.

15 MEMBER WILLIAMS: So I've been thinking that way and
16 I'm proposing to look at some of the data sets that I've been
17 developing on this question.

18 MS. MORROW: Yeah.

19 MEMBER WILLIAMS: I haven't looked at the data. So
20 let us come up with some hypotheses ahead of time. That's a
21 better research technique, supposedly. It seems to me that cars
22 in this marginal pass category -

23 MS. MORROW: Yeah.

24 MEMBER WILLIAMS: - as Vic has called it, let's
25 imagine a test that's done in 2002 and it marginally passed

1 then. What should be seen in a test in 2004? That pairing
2 seems to me to contain a lot of information relevant for what
3 should be happening. I can see two extremes. One is that the
4 marginal pass in two years later passed easily, which suggests
5 that there was some false positive or maybe something else that
6 we weren't taking care of.

7 MS. MORROW: Repairs.

8 MEMBER WILLIAMS: And we certainly wouldn't have
9 wanted to repair it. It wasn't repaired then. Maybe something
10 else happened, but on average those cars, if we see a pattern of
11 near fails followed by clear passes -

12 MS. MORROW: Yeah.

13 MEMBER WILLIAMS: - we shouldn't have intervened.
14 On the other hand, if we see a near fail or just passed -

15 CHAIR WEISSER: Or a catastrophic.

16 MEMBER WILLIAMS: - and a catastrophic failure, it
17 suggests strongly we should've intervened because sometime in
18 that two years there was a catastrophic failure.

19 MS. MORROW: Yeah.

20 MEMBER WILLIAMS: And we could anticipate that. So
21 I would say, looking at this pairing history is going to tell us
22 which of this is happening, and if it's the latter one, those
23 cut points should be lower.

1 MS. MORROW: Well, Jeffrey, I think that - you know
2 - BAR and ARB would definitely entertain any - you know -
3 thoughts you have and suggestions and -

4 CHAIR WEISSER: Can you do that analysis by next
5 weekend?

6 MS. MORROW: No.

7 MEMBER WILLIAMS: I hope to do it by next November's
8 meeting, but I'm asking now is that a reasonable way -

9 CHAIR WEISSER: I think the implications of that are
10 dramatic.

11 MS. MORROW: Yeah.

12 MEMBER WILLIAMS: Are we sure that those are the
13 reasonable ways?

14 CHAIR WEISSER: That I can't say.

15 MS. MORROW: Yeah. Well -

16 MEMBER WILLIAMS: Just to think about it and I
17 prefer we think about it now before we actually see the data.

18 MS. MORROW: Yeah, and that's - you know - that's
19 why we have stated - you know - we think that lower initial cut
20 points will provide more durable repairs and again -

21 CHAIR WEISSER: Can you tell us why you think that?

22 MS. MORROW: Well, we just think that by slapping on
23 a cat, it's just not going to - because it's not going to fix
24 the problems. There's also - I mean - you know - as we're just
25 getting together the test plan to look at - you know - why this

1 40 percent failure rate is. Well - you know - there are many
2 reasons and one is - you know - not complete repairs. A second
3 could be that a car is old and it is just deteriorating and it's
4 just one thing after another. Another thing is that somebody is
5 shopping for a smog. They just go and they go until they pass.
6 And - you know -

7 CHAIR WEISSER: I still don't understand why a higher
8 cut point will result in more durable repairs.

9 MS. MORROW: Because then we think that a car would
10 have to be actually repaired more durable. We just think that
11 you have the potential to have more repairs to meet(Tape change)
12 - cut point. That instead of just a cat, it now needs a cat and
13 an oxygen sensor or it needs a - there's a plugged - you know -

14 MALE COMMITTEE MEMBER: (inaudible)

15 MS. MORROW: - injector or something that's going on
16 that is now needed to meet that lower emission standard.

17 MALE COMMITTEE MEMBER: Jeffrey, I take your examples
18 to heart and that's saying that in this pairing or the history -

19 MS. MORROW: Yeah.

20 MALE COMMITTEE MEMBER: - we ought to see this
21 searching until there's a pass -

22 MS. MORROW: Yeah.

23 MALE COMMITTEE MEMBER: - and then two years later, a
24 catastrophic failure.

25 MS. MORROW: Yeah.

1 CHAIR WEISSER: That's what I think you're after.

2 (overlapping)

3 MEMBER WILLIAMS: That's what you're (unclear). I
4 think we're - yeah. And so we're all saying let's look at these
5 histories.

6 MS. MORROW: Yeah.

7 CHAIR WEISSER: I think it's pretty darn important,
8 Jeffrey. I mean - I think that strikes at the fundamental value
9 of this approach toward garnering substantial emission
10 reductions. I'm not convinced, at least not yet, that throwing
11 additional public money, consumer money - not tax money so much,
12 but consumer money - at the marginal failures is the best use of
13 societal dollars. I still, and this is not going to throw
14 people, certain people in the audience. I still think we need
15 to be focusing on the identification of on-road gross emitters
16 and either get those sorts fixed or off the road. That in terms
17 of use of societal dollars, that's where the benefits lie. And
18 I'm not sure that this is the way to go. I don't know, but I'm
19 not convinced. Let's move down to Bruce and then back to Jude.
20 Bruce?

21 MEMBER HOTCHKISS: Yeah. My question/comment has to
22 do with the, I guess software update. And it seems, I know that
23 this has been brought up before on the Committee, but it seems
24 to be that the EIS, the emission equipment, was designed to
25 allow downloadable updates.

1 MS. MORROW: Yes. Yes.

2 MEMBER HOTCHKISS: And I think that was the intention
3 all along, that so if cut points were changed it could be done
4 overnight.

5 MS. MORROW: Yes.

6 MEMBER HOTCHKISS: I guess I fail to see why it's
7 going to be so expensive. I mean - I do updates on my computer
8 at home all the time and it doesn't cost me a thousand dollars a
9 hit.

10 MS. MORROW: I just don't know. I don't think the
11 software has the capability to go to that level of detail. It
12 has currently - there's 25 emission standard categories, each
13 with a cut point. So when you download it, it goes down to in
14 those 25 boxes, or - you know - and there, for this approach,
15 there might need to be some more boxes for it to download into.
16 Are you understanding what I'm saying?

17 MEMBER HOTCHKISS: So you're saying that you need a
18 hardware update then?

19 MS. MORROW: No, no. It's a software. It's a
20 software of - you know - what the - you know - right now a car
21 comes in, it says okay. Look at this. This is where you go.
22 And it would have to be a modification to that.

23 MEMBER HOTCHKISS: Right.

24 MS. MORROW: It's a process.

1 MEMBER HOTCHKISS: But if you're doing a software
2 modification - I mean - I'm on dial-up. It takes me forever to
3 download anything, but I can still update tons of stuff on my
4 computer and it doesn't cost me \$1,000 a hit. So I'm just kind
5 of - you know - I'm trying to understand why it's going to be so
6 expensive to do the software update when millions of people
7 update their software every day for nothing.

8 MS. MORROW: Well, the software also has to be
9 written. I mean - that's one of the things. That's where the
10 manufacturers get their -

11 CHAIR WEISSER: Well, I think Bruce, you hit it right
12 on the head. There's a real difference in cost when you're
13 dealing with millions of people versus a couple of a few
14 thousand and you're able to spread development costs around the
15 million people, versus five thousand.

16 MEMBER HOTCHKISS: And that's true, but I don't know
17 - I mean - if they have actually done software updates,
18 downloadable or - because it seems to me every time they do an
19 update - (overlapping)

20 CHAIR WEISSER: (inaudible)

21 MS. MORROW: I'm not sure about that.

22 MEMBER HOTCHKISS: - somebody has to go out, do some
23 installation and it seems to me that that would be a large part
24 of the expense. I mean - if the whole idea that this equipment
25 was to make things easy to do the downloads quickly - you know -

1 overnight or whatever, that we should be utilizing the equipment
2 and the capabilities of the equipment.

3 CHAIR WEISSER: Who could argue with that? Jeffrey,
4 did you have a follow-up point? Then we're going to go to Jude
5 and then Robert, and then -

6 MEMBER LAMARE: I just have a - just follow-up.

7 CHAIR WEISSER: Oh, shoot.

8 MEMBER WILLIAMS: The last time we had an update on
9 the cut points it was for NOX and they did it overnight, but we
10 didn't change thousands of vehicles. It just changed the NOX
11 cut points. That was all.

12 CHAIR WEISSER: Uh - huh. Well - I mean - maybe I'm
13 missing something here, but there are different ways to skin
14 this cat and I'm not an expert. You guys know a lot more about
15 it than I do. I imagine it'll be a lot cheaper just to say,
16 okay. Cut points are from here on 10 percent or 50 percent
17 higher. Then you just overlay that on everything. I mean -
18 right?

19 MS. MORROW: But you can't go across the board on
20 something like that because there still is that one high emitter
21 that the emission control components are operating properly that
22 drove that high cut point in the first place. So if you were to
23 do an across the board reduction on it, its mission control
24 components would be in good operating condition, yet it fails
25 the smog check inspection.

1 CHAIR WEISSER: Well, I guess I wouldn't want to break
2 the bank on saving - you know - the AMC Pacer or whatever it is
3 that's not failing. Okay. Thank you. Jude? I mean - yeah,
4 Jude.

5 MEMBER LAMARE: (inaudible)

6 CHAIR WEISSER: yes, I believe so.

7 MEMBER LAMARE: Thank you, Mr. Chairman. I'm trying to
8 keep an open mind on this topic. I think there is promise in
9 fine tuning cut points by creating more categories and the
10 categories more closely represent the real emission failures for
11 that group. So intuitively, the idea makes sense to me that
12 having 25 categories is far too many and you're going to have a
13 lot of cars in those categories that really aren't being tested
14 to what their real potential is.

15 CHAIR WEISSER: Did you say far too many?

16 MEMBER LAMARE: Far too many vehicles per category.

17 CHAIR WEISSER: Ah. Okay.

18 MEMBER LAMARE: And therefore, your criteria for many
19 of those cars are simply not stringent enough and many, many
20 cars are passing that actually should fail. So I intuitively
21 agree with the idea and I understand that it's an incremental
22 change to the system. It's not a major fix. It's not something
23 that's going to get at a lot of the issues that we're working
24 on, which ARB and the Bureau are holding in suspension for the
25 next phase of study.

1 Presumably, we'll be more knowledgeable about that study
2 having gone through this. But I understand that the agencies
3 have to work within existing statutory limits and a lot of
4 what's going on in this report is an attempt to work within
5 those statutory limits and justify some changes to the
6 categorization of vehicles so that there can be more categories
7 with fewer vehicles in each category and therefore more finer
8 cut points, which is where we want to go.

9 Nevertheless, it seems as though we need some thought as to
10 what can be done effectively with statutory changes and what
11 would be the necessary statutory changes. And I haven't heard
12 the agencies talk about that. Clearly, if we're just getting
13 this little marginal change based on - it's really quite a small
14 change. A few tons, cost effective. Okay. But I think some of
15 what you're hearing from IMRC is this is really such a small
16 change and if you're being hamstrung by statutory requirements
17 why not bring those forward and talk about that?

18 Clearly one of the conclusions I reach is a conclusion we
19 already reached in this Committee. Please get rid of fast pass
20 for at least a good sample of the vehicles that we're trying to
21 understand out there, that it's ridiculous to compare our
22 vehicles to vehicles in other states where we have the capacity
23 for much more thorough data analysis data collection in our own
24 system. And it doesn't require that every car give up fast
25

1 pass, but that it be a random sample and be large enough to feed
2 you the information that you need.

3 We need a larger sample to assess the cut points more
4 carefully and to require - I think also, we've talked about
5 well, aren't these technicians required to put in their repair
6 information? Well, yes and no. They don't always do it Jeffrey
7 says. There's a place to put it into the VIN, but from what I'm
8 hearing from Jeffrey, they don't always do that. Well, can't
9 we, the state, have some method of actually gathering the data
10 you need to assess the program through the program.

11 I agree with Jeffrey that the comparison with other states
12 is shaky and I agree with Dennis that there's a very small
13 increment being gained here. But I appreciate the effort to
14 break those vehicle categories into more categories and I think
15 that it's a sound effort. Thank you.

16 CHAIR WEISSER: I would add you spoke very well, Jude.
17 Our job here is try to help you and BAR shape this program in
18 such a way that we get the most cost effective emissions that we
19 can while structuring the program in a way that's as consumer
20 friendly as you can and that's fair to different industry
21 players. The nature of the conversation I think you're hearing
22 from us should not in any way, sense, or form be seen as being
23 critical of what you're doing. It's really to try to figure out
24 how much we're getting from this idea versus other ideas and
25 whether it's worth it. I'm going to ask Robert.

1 MEMBER PEARMAN: That would be my question.

2 CHAIR WEISSER: Okay. I think we had someone on the

3 conference line.

4 MR. CARLISLE: He'll probably be calling in any

5 minute.

6 CHAIR WEISSER: Okay.

7 MS. MORROW: Okay.

8 MEMBER LAMARE: Mr. Chairman?

9 CHAIR WEISSER: Yes.

10 MR. LAWSON: Doug Lawson. (phonetic)

11 CHAIR WEISSER: Okay. We have Doug Lawson and we're

12 going to start opening it up to public comments with that.

13 Doug?

14 MR. LAWSON: Yes.

15 CHAIR WEISSER: Good afternoon.

16 MS. LAWSON: Hello.

17 CHAIR WEISSER: The Committee had the benefit of seeing

18 your initial e-mail and you might want to share it with the rest

19 of the audience here. And then whatever else you want to share

20 with us, that would be great.

21 MR. LAWSON: Yes, Vic, thank you. I can't hear you

22 very well, but I could hear you better over the Internet and

23 there's about a ten second delay between the two. But I'll go

24 ahead and speak anyway.

25

1 We've looked very thoroughly at what happens to failure
2 rates when you tighten cut points and what net emission benefits
3 you get. And as it turns out, because there's so much skew-ness
4 in emissions, whether you just look at one of the pollutants or
5 all three, thumb them together, that as you tighten cut points
6 you fail many, many more cars but you get very little emission
7 benefit. That's why the cost estimate in terms of dollars per
8 ton really ramped up when the one person from ARB was showing
9 those data from Sierra Research.

10 Our data have clearly shown that when you fail these
11 marginal emitters you don't get much emission benefit from them
12 because there's not much emission benefit to be derived.
13 Moreover, when you look at the sum of the three pollutants that
14 you're trying to control you end up at times having net emission
15 increases with the marginal emitters because you're not getting
16 much out of them. And sometimes when you tune a car to run rich
17 and to make it pass for NOX, for example, then hydrocarbon and
18 C-O go up. So it means that in many cases for these marginal
19 emitters you end up getting a net increase in emissions after
20 repairs. We've clearly shown that and published that. And when
21 I technical consultant for the IM Committee, we did show that
22 very clearly to the Committee. Dennis DeCota was a fellow
23 member of that.

1 CHAIR WEISSER: Thank you, Doug. Doug, we're having a
2 little hard time hearing you too, so if you could speak up that
3 would help the public.

4 MR. LAWSON: Okay. Will do.

5 CHAIR WEISSER: Okay. Is there anything else that you
6 want to add?

7 MR. LAWSON: I would just mention too that we just
8 completed a major study in the L.A. basin a few months ago
9 looking at PM emissions from gasoline and diesel vehicles and I
10 had to leave during the part of the presentation with Tom Cahill
11 today, but we presented that at an ARB web cast. And there's
12 some pretty profound implications for smog check regarding the
13 findings of that study and I don't know if the Committee is
14 interested, but we could present some of that remotely to the
15 Committee in a short presentation at a future date if the
16 Committee is so interested. And again, it has to do with PM
17 emissions that come from gasoline-powered vehicles.

18 CHAIR WEISSER: I can say on behalf of the Committee,
19 Doug, we will be in contact with you to arrange such a remote
20 presentation.

21 MR. LAWSON: Thank you.

22 CHAIR WEISSER: And thank you. We'll go to members of
23 the audience that are here and we'll start with Mr. Peters.

24 MR. PETERS: Thank you, Mr. Chairman and Committee.
25 My name is Charlie Peters, Clean Air Performance Professionals

1 representing a coalition of motorists. A lot of very
2 interesting information provided this morning or this afternoon,
3 both, and just to kind of see if I can get my hands around this
4 at all, started off by talking about - one of the things we're
5 talking about is the fuel evap testing equipment. And I think
6 my opinions on that were pretty clearly stated in the April 26th,
7 2005 meeting of this Committee. Go to page 170 on your website
8 makes my opinion about that fairly clear.

9 The issue that there's a possibility of two and a half
10 billion dollars in shorted funds to the state of California
11 based specifically on that issue somehow or another just doesn't
12 sound quite like it really works and that I believe the EPA's
13 standards are performance based. At a rand (phonetic) meeting
14 that I went to, EPA made it quite clear that we could go to a
15 completely remote sensing program as long as the performance of
16 the program could be justified that it was going to meet the
17 standards. So saying that that particular piece of equipment
18 could stand in the way of two and a half billion dollars from
19 the fed when the state created the sip, the state can change the
20 sip, it's performance based, I have very strong question in my
21 mind that there is a legal ramification there that absolutely
22 makes that so. When you have issues like the cost limit and the
23 Clean Air Act that was made quite clear by the federal EPA that
24 that had to be followed period, and that was not negotiable in
25 any way, shape, or form, and we totally ignore that, to some we

1 haven't already lost our two and a half billion dollars. That
2 just doesn't make sense.

3 The issue of the cost, we're talking about - I don't know
4 what, 75 million dollars cost? And how much this equipment
5 costs is going to change the cost of a smog check a specific
6 amount. If you're going to contract to do something and do
7 something based upon a contract that makes a lot of sense, but
8 we do have some competitive marketplace left here. And how much
9 somebody spends for something and what they're able to get in
10 the marketplace doesn't necessarily relate, so that whole thing
11 just doesn't make a lot of sense to me.

12 As I stated in my previous testimony here that's documented
13 on your website, actually taking a look at this and seeing what
14 we could do with real cars and finding out what kind of changes
15 we could make without equipment I think would be very important
16 to do. We're talking about a 14 ton per day emissions
17 reduction. First of all, we're saying that we're getting 500
18 tons a day currently. I think that's 1000 when you take into
19 account the (unclear) affects. I think improved management
20 could double that, so getting the performance by addressing
21 additional issues when we're talking about 14 tons a day, that's
22 miniscule. That's a grain of sand on the beach that we have
23 opportunity to get.

24 I have additional issues. I could talk on this issue for
25 some time. Also, the testimony here with Mark Carlock

1 (phonetic) asking for the data as to whether or not what's
2 broken is being fixed. It seems as though the Committee's
3 totally ignored that from the start and I still will petition
4 the Committee to take a look at that Air Resources Board data.

5 CHAIR WEISSER: Thank you, Mr. Peters. Bud?

6 MR. RICE: Thank you. Bud Rice with Quality Tune-up
7 Shops. The first comment I wanted to make was about the evap
8 program. My initial question is who pays if something gets
9 broken? I mean - that's my initial question. I mean - in that,
10 it's going to be somewhat of an invasive testing procedure,
11 pinching things, disconnecting things, that kind of action. And
12 if the stuff is old, if it's brittle, things are going to break.
13 Who buys? And the customer is going to be wondering who buys.
14 We're going to be wondering who buys because the car came in
15 okay and now we've got broken T's and all that kind of stuff.
16 So that's my first question.

17 The second one is in terms of cost that's manageable, I
18 certainly appreciate your comments, Victor. I'm going to tell
19 you from industry's perspective, and just from the guys I know
20 and my own guys, they've about had it to be honest with you.
21 And now to have another piece of equipment that you have to buy,
22 another service agreement that you're going to have to have, for
23 some station that test two cars a day, five cars a week, at some
24 point in time they're going to start saying no. No. And so
25

1 that's something you have to take into consideration too because
2 they're going to start saying no. Okay.

3 The second part was on the marginal fails. If a car fails
4 a bunch, that one's easier to find. It really is. If this
5 thing's failing by a ton it is easier to find that problem.
6 When it fails a little, hang on because that one is the tough
7 one. And usually it's not because this one component is failing
8 so fix that and now you get the little. It could be multiple
9 things that are failing a little. So which ones are those?

10 And in terms of there may not be any trouble codes, there
11 may not be any diagnostic things that are enough to get you that
12 little savings. So what do you do? But you're back in a wedge
13 again. Your customer's in a wedge and for what? For maybe a
14 little bit of value in terms of saving the air.

15 One thing I forgot to tell. Yeah, I'm going as fast as I
16 can. As I look at the Committee and forgive me for stepping out
17 a little bit, I was going to pick on Robert and I don't know if
18 you remember the old days of the TV's that had the tubes in
19 them. I remember those. Bruce is nodding his head yeah.

20 CHAIR WEISSER: No. Not me.

21 MR. RICE: No, you're saying no. Sorry.

22 CHAIR WEISSER: Never heard of it.

23 MR. RICE: All right. Well, tubes. Okay. Well, here
24 comes the color TV repairman because your color TV's not working
25 and he grabs all of his tubes out there. And he starts doing

1 his checks and he starts checking stuff, and then pretty soon
2 your color TV starts working again. Okay? And it might have
3 been this tube and this tube and off he goes. Well, two weeks
4 later another tube goes down. Okay? So now he's back and he's
5 putting in another tube. And you might say to him, hey listen.
6 How about I don't see you for a few weeks? So can you give this
7 thing a good check-up and if you see any other tubes in there
8 you don't like, fix those tubes? Okay?

9 So I guess the point I'm trying to make is when you're
10 looking at durable repairs, it's unlikely when the repairman
11 came back to put in another tube it was the same tube.

12 CHAIR WEISSER: Yeah.

13 MR. RICE: Okay? It's likely it's another tube. So at
14 the point where you've got a durable repair question, the
15 question is is it going to be the same repair or is it going to
16 be something different? Okay? Thank you.

17 CHAIR WEISSER: Thank you. I think that is an
18 excellent analogy and the question there, the point that you
19 made, Bud, associated with the difficulty in diagnosing close
20 fails versus more blatant failures is that question there is
21 kind of posing it to Sylvia. And I think you may be sacrificing
22 some bang for the buck just in terms of the diagnostics
23 associated. We're going to go to the gentleman in the back.
24 John. Sorry. I'm terrible. I can't remember my kids' names,
25 John. Don't expect me to remember everyone's.

1 MR. CONWAY: Thank you. John Conway (phonetic),
2 Menlo Park Chevron, member of Cassera (phonetic) Board. I just
3 want to take off from what Bud Rice said. I think enough is
4 enough for the independent shop owner in today's marketplace.
5 Another investment of equipment, I'm still going through sticker
6 shock with my initial investment in October of 2003 with the
7 current smog check program. And then to have to pay for more
8 software updates and maintenance contracts, I think enough is
9 enough. I'm still seeing a drop off in smog checks every month
10 and I think there's got to be a little give and take here for
11 the shop owners in the state of California and we need some
12 financial relief here. This really doesn't work for me and I
13 think it's really inappropriate timing right now to put the shop
14 owners in the state through this right now.

15 Also, I think we really have to consider the consumer in
16 the state of California right now. With high gasoline prices
17 this summer of \$3 a gallon, well, who knows what next year in
18 2006 the price of gas is going to be. I think they're being
19 stretched by the PG&E bills they're going to incur this winter
20 and you really have to consider what he consumers through if
21 this does go through. They are going to help the burden of the
22 increasing cost of smog check if we have to actually purchase
23 this equipment. And I think the chairman of this Committee had
24 the perfect solution to this problem earlier today.

25 CHAIR WEISSER: Uh - oh. What was that?

1 MR. CARLISLE: Government pay for it.

2 CHAIR WEISSER: Oh, the government. Oh, okay.

3 MR. RICE: Let the state of California pay.

4 CHAIR WEISSER: Or let the gentleman to my right pay.

5 Sir.

6 MR. NOBRIGGA: Larry Nobrigga (phonetic), Automotive
7 Service Councils of California. One of my concerns would be the
8 five percent failure rate - or false -

9 CHAIR WEISSER: False.

10 MR. NOBRIGGA: - failure rate on a piece of equipment
11 that has to be infallible. Because if it falsely fails a car
12 and I tell my customer, okay, time to diagnose and I spend hours
13 on this car finding a minute leak that doesn't exist, who pays?
14 And it's got to be an infallible piece of equipment. It can't
15 have a five percent false failure rate.

16 Another thing is because of the cost of this equipment
17 which they are now estimating twenty five to \$3000, 2500 to
18 3000, what are the possibility of maybe shops getting together
19 and sharing a piece of equipment, which we are not allowed to do
20 now? That could potentially lower the cost for a shop and make
21 it reasonable. Okay? And then barely fails, yeah. We've got a
22 car that just doesn't quite make it for initial cut points,
23 barely fails. The cost of identifying that and then repairing
24 it can be quite expensive because you're looking for something
25

1 that's kind of floating out there as a thought more than a real
2 failure. Thank you.

3 CHAIR WEISSER: Mr. Ward (phonetic).

4 MR. WARD: Good afternoon, Mr. Chair, Committee
5 members. Randy Ward representing the California Emissions
6 Testing Industries Association, and I want to echo what the
7 three gentlemen before me have said. The economics of this
8 industry have been severely impacted and -

9 CHAIR WEISSER: Can you speak up, Randy?

10 MR. WARD: The economics of this industry have been
11 severely impacted and I think the issues that Herb raised as
12 well regarding the consumer and sharing machines - I mean -
13 those are the kinds of issues that we're all thinking about
14 because no one can really afford to spend another 2500 to \$3000.

15 But I also think that, Mr. Chair, you raised a good issue
16 and I think it was Dr. Williams that you took the issue from in
17 the questioning of Sylvia on the data set for determining the
18 fail rate on the 23 vehicles tested. I think that was far too
19 few vehicles to come to a conclusion that this equipment is
20 infallible. There's also a question in my mind, at least within
21 the last twelve months, there was only one company that was
22 producing a piece of equipment that met the BAR's obligation.
23 Now, maybe there's more than one now, but I think there
24 definitely needs to be a competitive bidding situation if that
25 equipment is going to be mandated. Thank you.

1 CHAIR WEISSER: Thank you, Mr. Ward. Mr. Walker.

2 MR. WALKER: Mr. Chair, members of the Committee,
3 Chris Walker on behalf of the Automotive Repair Coalition and
4 the California Service Station Automotive Repair Association.
5 One quick comment to echo what Randy and the other three
6 gentlemen had said. This industry is reeling right now,
7 economically. Based upon the last cuts of vehicles from the
8 system, we've seen a 43 percent drop in testing revenue to the
9 test and repair side of the house alone. This is something
10 that's untamable for people who have debt service on equipment
11 and need to continue making payments monthly. So their ability
12 to continue to invest in the program is something we brought to
13 the attention of the Committee a year ago and prior to the cuts
14 that were made voicing our concerns. Here we have it. We're
15 now placed with how do we continue to improve the program? How
16 do we take it to the next level to yield more emissions
17 reductions? And it's going to take guess what? Industry's
18 investment, right? And now the state says it's manageable.
19 Well, the state needs to talk to industry. The state needs to
20 take into consideration the industry's health when they make
21 decisions about vehicle fleets, who's being tested, who's not
22 being tested, where cars are being directed, and such.

23 Couple questions for the ARB. On the OBD test we looked at
24 the '95 to '76 fleet. '96 and newer were kind of left off on
25 its own because OBD's got it covered. Okay? This is a question

1 for BAR and ARB. What errors of omission and commission does
2 the OBD system have on evap tests? So if we're just relying
3 upon the '96 and newer cars to be covered by OBD, how often is
4 the OBD accurate and does ARB and BAR have a consensus agreement
5 on the accuracy of OBD? Because I know in the past there's been
6 some disagreement. So if we're going to rely upon the fleet of
7 vehicles '96 and newer to just be covered by OBD we need to know
8 whether or not that system's working and if we have agreement
9 between the two agencies on the accuracy of that equipment.

10 The second thing is with the lower cut points being
11 suggested, there is a nexus between the lower cut points and
12 more durable repairs as was suggested by ARB that people would
13 be perhaps doing more extensive repairs than they otherwise are
14 doing today. Where is the nexus between that and the
15 conversation earlier this morning about the waiver situation?
16 And how many cars are being provided waivers? How many cars are
17 exceeding the cost limits today? If in fact we're going to
18 lower the boom on the cut points, why isn't that part in parcel
19 of the discussion on the allowable limits for spending for
20 repairs? We're currently at \$450. We have been at \$450 since
21 '97, '98. We haven't adjusted it according to the CPI, consumer
22 price index, as allowable under law. Why is that? I understand
23 there's a political reason for that, but if in fact we're going
24 to lower the boom on cut points and expect more repairs to be
25

1 done, why isn't that part of the conversation on the allowable
2 limits? Thank you.

3 CHAIR WEISSER: Thank you. Mr. Keller?

4 MR. KELLER: Marty Keller, Executive Director of the
5 Automotive Repair Coalition. Mr. Chairman, I think that the
6 issue that you raised with respect to potentially financing this
7 equipment needs to be explored more and I would suggest that the
8 agencies are not the people to explore that. They don't have
9 the statutory authority and I don't know what incentive they
10 would have to spend some of their own budgetary pool. So I
11 would respectfully ask the Committee to take that on and this
12 association would be more than willing to work with you to
13 investigate. I believe, if my memory serves me right and it's
14 possible it doesn't, but the state of Massachusetts created a
15 lease program for their BAR-97's back in the late '90's and the
16 state purchased the equipment and then created a lease back to
17 the industry. And the control data, I believe also one of the
18 counties in Utah did the same thing. So there should be
19 precedent. There should be experience. There should be some
20 information available to us as to what's worked in other places.
21 This may be a wheel we don't need to reinvent but there may be
22 something of value. So anyway, we stand prepared if this
23 Committee's willing to take that on and be innovative, think
24 outside the box, and not depend on the bureaucracies to figure
25 this out, to take a look at that.

1 CHAIR WEISSER: Don Quixote thanks Sancho Ponca.

2 MR. KELLER: Si. Is that a no?

3 CHAIR WEISSER: Mr. Peters.

4 MR. PETERS: Mr. Chairman and Committee, Charlie
5 Peters, Clean Air Performance Professionals representing
6 Coalition of Motorists. Thank you very much for allowing me to
7 get up and share a little more. Again, I'll go back to the
8 little statement that I am confused. We sat here for the last
9 hours getting advice, getting opinions of the Air Resources
10 Board. I never supported removing the Air Resources Board from
11 the policy position. Other people in this room did. I always
12 felt that they served some very good functions, but the way the
13 statues handle it the way I understand it today, the policy
14 issues are the purview or the Bureau of Automotive Repair. If
15 in fact this issue is being addressed through the Bureau of
16 Automotive Repair, we might actually come up with some
17 solutions. We got a Bell AB-386 that we're trying to get policy
18 and money back to ARB. I don't think that's passed yet. I
19 think it's appropriate that this discussion is with the Bureau
20 of Automotive Repair and that that's where the appropriate
21 policy should be handled at this time. Thank you, Mr. Chairman.

22 CHAIR WEISSER: Thank you very much, Mr. Peters. You
23 kind of preempted me that time because my next question was
24 actually going to be to BAR to see if they have anything they'd
25 like to add or react to Sylvia's report. I mean - is there - I

1 know the close working relationship the two agencies enjoy and
2 is there yet a perspective that's emerging from BAR as to what
3 you're going to do on this?

4 MR. GUNN: Good afternoon, Mr. Chairperson. Yes, it is
5 afternoon, everybody else. Marty Gunn with the Bureau of
6 Automotive Repair. As Sylvia stated, I don't believe the Bureau
7 of Automotive Repair has received all the data yet. So at such
8 time that we receive all the data and review it and discuss
9 whatever issues, I imagine we would have more comment on it.
10 There were certain segments of the Bureau of Automotive Repair
11 that worked on it. It wasn't me personally. But again, I
12 believe the Bureau of Automotive Repair is waiting on all the
13 data in its entirety.

14 CHAIR WEISSER: You guys don't - while the study was
15 going on or their analysis you haven't been in communication
16 with them and -

17 MR. GUNN: Not me personally, no.

18 CHAIR WEISSER: But there has been. Sylvia's nodding
19 her head rapidly up and down. There had been communications
20 between BAR and ARB on this. Of course, when the agenda went
21 out we thought we'd be hearing from BAR also to get their
22 attitude, recognizing that you may agree with some of the stuff
23 that was said. You may have questions that you're not ready to
24 respond to for the reasons, Marty, you just stated. Or you may
25 just know right off the bat you think this is a dumb idea or

1 this is a great idea. I don't know. But it would be helpful
2 for us to hear from you with the sorts of issues that you think
3 need to be looked at in this regard. Perhaps you can let us
4 know at our next meeting. Thank you. Any further discussion on
5 this?

6 Sylvia, you're terrific. Whatever they're paying you, it
7 ain't enough. You gave two very good reports and you responded
8 as best you could to our questions. The questions that we asked
9 indicate to me a lot of - well, there's a desire I think on the
10 part of at least some of the Committee to better understand the
11 methodology and the analyses that you put forward and whether
12 that methodology is supportive of the conclusions and
13 recommendations that you came forward with.

14 I notice in our agenda that there were three - pardon me,
15 make that four issues that we asked BAR and ARB to give us an
16 update on. You've covered fuel evaporative testing. You've
17 covered model specific. Well, sort of model specific cut
18 points. I guess at one level, that's what we were just talking
19 about. OBD-2, we kind of got into that and I think the
20 questions that were raised regarding how OBD-2 performs in
21 relationship to the evaporative system testing that was raised,
22 I think that's something we need to find out about, because
23 indeed, if you're trying to fix the '76 to '95 portion and yet
24 the OBD-2 system is not working reliably for the newer fleet, it
25

1 raises a substantial question. But I've heard no discussion of
2 what's going on with remote sensing from either BAR or ARB.

3 MS. MORROW: Sylvia Morrow, ARB. I think I did
4 mention before I started both of those presentations that we are
5 still finalizing the results of both the RSD report and the OBD-
6 2 report. So until the results are finalized we're not really
7 prepared to give you what the results are for them.

8 CHAIR WEISSER: Thank you. That's I'm sure just a
9 combination of age and sleeplessness that has made me forget
10 that, Sylvia. Folks, we have many agenda items left before us
11 and a limited amount of time. Is there anything in the
12 legislative update that we need to go over today, Rocky, or is
13 this routine?

14 MR. CARLISLE: No, the legislation hasn't changed.
15 The legislature doesn't reconvene until January 4th. I just
16 wanted to list it there in case anybody wanted more information.

17 CHAIR WEISSER: Okay. Is there anything that people in
18 the audience would like to say in three minutes or less? Well
19 start back. John. John. I said John this time. It was
20 hesitant, but it was a John.

21 MR. CONWAY: Hello.

22 CHAIR WEISSER: I do believe that people at birth
23 should have their names imprinted in bold (unclear) on their
24 foreheads. (overlapping)

1 MR. CONWAY: Next mother (inaudible). Thank you.
2 John Conway, Menlo Park Chevron and Cassera Board member. I
3 touched on this last month and I'll be very brief today. I'm
4 very concerned about the drop off in smog check. I'm seeing
5 another tremendous drop off this month again.

6 CHAIR WEISSER: Does this have to do with legislation?

7 MR. CONWAY: The AB-578.

8 CHAIR WEISSER: Fine, thank you.

9 MR. CONWAY: Why we're waiting for the legislative
10 process.

11 CHAIR WEISSER: Fine, thank you.

12 MR. CONWAY: I'm looking for a solution that's fair
13 an equitable to test only and test and repair. Right now I see
14 no consistency with the program at all. The drop off continues
15 and I would like to see some sort of continuity and some sort of
16 resolve here where we can get together and have a redirection of
17 vehicles so we can get some financial relief here.

18 And the other thing I just want to mention is in the last
19 couple of months I've repaired for Gold Shield and gotten
20 negative response about being on Gold Shield program because I
21 don't have enough cars that fail. Well, if I don't have the
22 cars I can't fail them. So I think this needs to be looked
23 into.

24 CHAIR WEISSER: Yeah. Is it a percentage-wise failure
25 they're saying or is a numeric?

1 MR. CONWAY: It's a percentage-wide failure.

2 CHAIR WEISSER: Well, then it wouldn't matter if you
3 don't have enough cars to fail. I mean - it's just a percentage
4 of what cars you have, no John? What am I missing?

5 MR. CONWAY: No, I think it was the other way. It
6 must have been the other way because we figured it out that I'm
7 not getting the cars to test so I can't qualify to be a Gold
8 Shield program.

9 CHAIR WEISSER: Huh. That's strange. Thank you very
10 much.

11 MR. CONWAY: So I do encourage you to come to some
12 sort of solution here for redirection of vehicles. It's for an
13 equitable -

14 CHAIR WEISSER: Well, my understanding is that that
15 legislation was substantially revised following this Committee's
16 discussion, our last discussion on it, during the session. And
17 I think at an upcoming meeting, Rocky, what we need to do is get
18 in contact with the legislator's staff, the author's staff, find
19 out where the legislation stands, what the intentions are, and
20 you then need to make a presentation to this Committee as to how
21 the legislation has changed so that we can determine what, if
22 any, a future course of action should be. Thank you.

23 MR. CONWAY: Just to ask you, does the BAR and the
24 ARB have the capability to redirect cars? Do they have the
25 jurisdiction and authority to do that?

1 CHAIR WEISSER: To redirect cars. You mean from test
2 only to test and repair or change that percentage?

3 MR. CONWAY: Change that percentage that's fair and
4 equitable?

5 CHAIR WEISSER: I think that we don't have enough time
6 in this century to explore all the aspects of that questions
7 because I believe they would say something along the lines of
8 being constrained both by state law and commitments to the feds
9 and other people would say something quite different that would
10 indicate that they might. So it's an open question.

11 MR. CONWAY: All right. Thank you.

12 MR. CARLISLE: It's continued, I ask it.

13 CHAIR WEISSER: Let's come - Mr. Rice? And then we go
14 to - this will be on legislation, right?

15 MR. RICE: (inaudible) I might have missed the
16 connection at the very end, so let me just restate for my own
17 self here. If there was a way to somehow include in 578 a true
18 definition of what the testing pool is, I think that might go a
19 long way in terms of evening out what's going where and who's
20 getting what.

21 CHAIR WEISSER: You might want to speak to the author
22 about that. Mr. Peters?

23 MR. PETERS: Mr. Chairman, Committee, Charlie
24 Peters, Clean Air Performance Professionals, representative of
25 Coalitions of Motorists. AB-386. I was the only official

1 listed opponent of that bill stating that no one less amended,
2 and proposing having specific language and leg counsel that
3 requires an auditing of the program to encourage and support
4 improved quality. And back to the same subject matter, May 17th,
5 2004 when you, Mr. Chairman, were not here. Mr. Corval
6 (phonetic) was chair, acting chair, and Mr. Carlock, who no
7 longer works for the state of California, at that time indicated
8 he had the data as to whether or not what was broken was getting
9 fixed. And specifically addressed an issue that just came up
10 that the OBD-2 study was in process. So all that data is
11 available at the Air Resources Board per the previous Chief of
12 Modeling at he Air Resources Board. I requested that
13 information. I got information that certainly did not address
14 my questions. I would suggest that it's appropriate for the
15 Committee to get the information as to whether or not what's
16 broken is getting fixed, and specific to OBD-2, which are the
17 questions that have just been on the table in the last couple of
18 minutes. That information is there. It is available and if the
19 Committee requests it you probably could get it and it might
20 make a difference in how the program works Mr. Weisser and
21 Committee.

22 CHAIR WEISSER: Thank you, Mr. Peters. Are there any
23 other questions or comments on legislation? If not, we're going
24 to move into the next item, IMRC consultant task list. Rocky,
25 carry me forward.

1 MR. CARLISLE: Yeah, at this time we haven't done it
2 formally. I'd like to introduce Dr. Steve Gould (phonetic).
3 He's our consultant. He's hiding in the back there.

4 CHAIR WEISSER: Stand up, Steve. Yay.

5 MR. CARLISLE: And Steve has now been on board for
6 several weeks. He's been doing the analysis on the
7 preconditioning survey. And like I mentioned earlier, we
8 actually have a report drafted but it's very rough at this
9 point. We haven't had an opportunity to discuss it between
10 ourselves, but he did do it while I was down in L.A. and we're
11 going to go over it and then get review from ARB and BAR and
12 submit it to the subCommittee first, which consists of
13 Mr. Dennis DeCota and Bruce Hotchkiss. And then we'll submit it
14 to the full Committee at the next meeting on November 22nd.

15 But we did have a list of items here and my thought was to
16 have a discussion with the Committee to see what your druthers
17 were, if you will. For example, we do have an item here to
18 assist with the analysis of the preconditioning survey. Review
19 the work completed by Dr. Jeffrey Williams and finalize the
20 comparison of the test only, test and repair, and test only.
21 Or, I'm sorry. It should be Gold Shield stations. And then
22 analyze the emissions impact of chronic and instantaneous
23 unregistered vehicles. These are topics that we've been talking
24 about for some time.

1 Below that I put the duty statement. There are other issues
2 that we could look at, but I wanted to get the Committee's sense
3 of really where they wanted to spend their resources at this
4 point. It was a goal, at least of mine, to have a report so
5 that we could deliver the first part of February to the
6 legislature since February 22nd is the cutoff for new
7 legislation. So if we hope to get anything in legislation prior
8 to that date we'd have to have the report delivered.

9 CHAIR WEISSER: Any comments from Committee members
10 before I T off? Jude?

11 MEMBER LAMARE: There is one, I think omission and the
12 duties(Tape change)- statement on the initial projects for the
13 IMRC consultant. And that is, as I recall, we did want to
14 further analyze the consumer survey according to whether the
15 consumer had a test only or a test and repair inspection as to
16 consumer satisfaction. Some of our measures of consumer
17 response so that we - we never did actually do that because the
18 data weren't coded with the station I.D. number and whether it
19 was a test only or a test and repair. So I would just like to
20 add Dr. Jeffrey Williams after that and in the consumer survey
21 to finalize comparison.

22 MEMBER WILLIAMS: Okay. One of the issues with
23 regard to identifying those vehicles, we're going to have to in
24 some form or another, reverse engineer that data set, if you
25 will, because the contractor eliminated half of the vehicle

1 identification numbers when they sent us the data back. So we
2 have vehicle identification numbers for half the data but not
3 the other half. But we can, through the various data sets I
4 believe, put that back together so we can finalize it.

5 MEMBER LAMARE: Well, let's talk about that offline.
6 Okay.

7 MEMBER WILLIAMS: You bet.

8 CHAIR WEISSER: Are there other comments? You know -
9 I'm not sure the best way to approach this Rocky. We've got a
10 resource here that I want to exploit as best we can and I guess
11 what I'd like you to do is to step back from what you've heard
12 from this Committee over the last you can fill in the blank.
13 And I'd like you to make a recommendation as to what you think
14 the Committee's priorities ought to be in terms of using this
15 resource and using our own time. I'm afraid that we're moving,
16 after being very focused on certain things to get our report out
17 and then the discussions that we've have with - you know -
18 developing our follow-up reports, we now are just becoming a
19 little diffuse in focus. And it's helpful for our education.
20 There's never a meeting that goes by that I don't learn a dozen
21 new things, but I'm not sure it's helpful in terms of us
22 focusing on where we can make a difference, the value added that
23 this Committee can provide. And I guess I want some staff work
24 done.

25 MR. CARLISLE: Okay.

1 CHAIR WEISSER: I want - you know - your thoughts of
2 what's out in front, what are the options, what are your
3 recommendations? And particularly in terms of now we have this
4 new asset. I love referring to people as an asset. We have an
5 extra resource. How can we best use that resource in
6 combination with the energies that we have up here to produce a
7 little something that might move the ball in the right
8 direction? Okay?

9 MR. CARLISLE: Okay.

10 CHAIR WEISSER: All right. I'm not going to take any
11 public comment on the last item. Jude?

12 MEMBER LAMARE: Vic, I think that's a really excellent
13 idea and something that the Committee could benefit greatly
14 from, to get the thinking about priorities. And in that regard,
15 I wish that the Executive Director and our research consultant
16 could give some thoughts to who should we compare ourselves to.
17 We've had a report on Iand M programs around the nation and we
18 have looked at different programs. And we've seen that there's
19 a lot of variability and certainly in terms of size. No program
20 is anywhere near the size of the California program. And I
21 think that we would be better off, rather than continuing to
22 compile all the data that's available on state programs, to pick
23 two to five programs that are most comparable to California's
24 and just track those. That seems to me to be a more efficient
25 use of our time, but I would like to hear more about what Rocky

1 and Steve think and then give us something to review in that
2 regard. Thank you.

3 CHAIR WEISSER: Well, I have something else to add
4 since we're tossing out ideas. And this is something I've
5 mentioned a couple of times since being named on this Committee.
6 I don't understand why we don't use the opportunity when a
7 consumer brings a vehicle in for a smog check inspection, either
8 test and repair or test only, why we don't use that as an
9 opportunity for a minor, modest, low cost safety check, like to
10 see if the lights work on the car or the brakes stop the car.
11 Maybe that's too complicated, but you have dynamometers. You
12 ought to be able to see if brakes work. If you don't before you
13 put it on the dyno, I don't want to be your insurance carrier.
14 I would like to know, Rocky, do other states combine safety
15 check and I and M programs?

16 MR. CARLISLE: They do.

17 CHAIR WEISSER: What does the Highway Patrol think
18 about safety inspections if the most basic nature is the
19 windshield not cracked? Does brake and headlights work? Do the
20 brakes work? You know - this is simple stuff that wouldn't add
21 more than three minutes to a smog inspection. I don't want you
22 to answer me right now. I want you to think -

23 MR. CARLISLE: No, I did have some information.

24 CHAIR WEISSER: Oh, okay.
25

1 MR. CARLISLE: I have checked. I haven't gotten to a
2 level where I feel comfortable yet, but the preliminary
3 information I have is that in the state of California there does
4 not appear to be a rate of accidents attributable to lack of
5 maintenance at this point in time. It's kind of -

6 CHAIR WEISSER: The gentleman next to me said hard to
7 believe. Those words were passing through, but most of it's
8 operator error, right?

9 MR. CARLISLE: Correct.

10 CHAIR WEISSER: And those of us driving never see brake
11 lights that don't function that don't cause us heart attack.
12 Well, I do all the time. Those of us who drive don't see front
13 head lights out. Well, I do all the time. I mean - what can I
14 say? I want you to look into it.

15 MR. CARLISLE: I will.

16 CHAIR WEISSER: Bruce.

17 MEMBER HOTCHKISS: I have some knowledge on that and
18 experience in it. I spent 22 years in Canada, most of it as an
19 automotive technician and they do safety inspections in Canada.
20 And I know I sat in on meetings with the Ministry of
21 Transportation there and according to their analysis, less than
22 one half of a percent of all accidents are caused by mechanical
23 failure. So -

24 MEMBER NICKEY: Reevaluate (unclear).

25 MEMBER HOTCHKISS: That might be more cost effective.

1 CHAIR WEISSER: That was a statement made by Roger and
2 is not an official position of the Chair, nor this Committee.
3 Okay. Well - you know - it's possible. It's happened before
4 that I might be wrong. But I'm still kind of curious of this
5 and - so it really doesn't matter if you have two headlights or
6 if your brake lights work or if your brakes work. Is that what
7 you're basically telling me?

8 MR. CARLISLE: No, it's a citable offense, but years
9 ago the CHP used to do roadside lamp inspections. But they
10 discontinued that, as I recall, in the late '70's.

11 CHAIR WEISSER: Okay. Any other comments on this
12 before - Mr. Peters?

13 MR. PETERS: Mr. Chairman, I'm Charlie Peters, Clean
14 Air Performance Professionals representing a Coalition of
15 Motorists. I'd just like or wanted to make a point of order.
16 Now I guess I got one to make too. First one is that I was
17 under the understanding that each agenda item, there was an
18 opportunity of up to three minutes comment from the audience and
19 apparently that rule doesn't count anymore. I wanted to talk
20 about the IMRC consultant task list and discussion.

21 Item number two, I believe the Committee's agenda for
22 today, as well as the statutes requiring your participation have
23 nothing to do with safety inspections. Just two points of
24 order.

1 CHAIR WEISSER: Thank you very much, Mr. Peters. I
2 want to check into the question that Charlie raised. I didn't
3 think we were actually required to have public participation
4 after each and every item. And in fact, I know agencies that
5 have only one period for public participation, typically after
6 their agenda. And if you want us to move to that model, perhaps
7 we can. I'm right now really trying to get input on issues as
8 we're going to take action on. So that's why I chose not to or
9 tried to choose not to get testimony after that. Did I see
10 hands go up somewhere else? No. No? Okay. So with that we
11 have report topics and then we go to lunch, according to the
12 agenda. Is there something in particular you want to raise
13 regarding the report topics, Rocky? We talked about
14 preconditioning?

15 MR. CARLISLE: We talked about preconditioning in the
16 report that, like I said, we'll have a report next month.

17 CHAIR WEISSER: The two members that are dealing with
18 program avoidance aren't here.

19 MR. CARLISLE: Correct.

20 CHAIR WEISSER: Post repair we talked about.
21 Standardized methodology. This was Jude's thing. You were
22 thinking how valuable it might be for us to at least come up
23 with an approach. Is there anything you want to talk about or
24 share with us at this point, Jude, on that?

1 MEMBER LAMARE: I'm sorry, Mr. Chairman. I have a
2 couple of times put forward a little draft.

3 CHAIR WEISSER: Yeah, I remember.

4 MEMBER LAMARE: I don't see it in the packet today. I
5 didn't bring it with me. It's very simple and I haven't gotten
6 any feedback from Dennis, who is the co-chair of the Committee.
7 So I think it is time to decide for Dennis to look at that and
8 see if he thinks it makes sense, if we're going to have a
9 section of the report or not. I don't really care. It's just
10 that it came up in the context of a discussion of the report and
11 it seemed like a good idea at the time.

12 My concern was that we make a recommendation to the
13 agencies that they engage in research from the consumer
14 perspective, from the consumer's experience. We did a little
15 demonstration of that last year. It was a small study. It
16 seemed to me that in program evaluation you need to go to check
17 in with the people who are going through the program and that
18 not to do so is to leave out a whole bunch of information about
19 how the program's working. So that was my major motivation and
20 suggestion.

21 But during the course of hearings on last April, we heard a
22 lot of suggestions about how the research is conducted and one
23 of them - at one point I felt that we would be remiss if we did
24 not put into writing that we thought random roadside testing
25 needed to be done on a continuous basis and not be dropped from

1 the budget. And that the ongoing evaluation of the program
2 include direct data gathering all the time, not just in these,
3 oh, well let's now set aside some time and study it.

4 The fast pass proposal came forward at that time as well as
5 something that we need to be able to get better data from our
6 existing data collection, from the Bureau's existing data
7 collection effort, and the fast pass is standing in the way.
8 It's things like that where we are commenting not on the other
9 programs running, but on how we're evaluating the program.

10 CHAIR WEISSER: Well, the best way I guess to move this
11 ball forward is to put it specifically on the agenda and ask
12 that -

13 MEMBER LAMARE: There is a draft.

14 CHAIR WEISSER: Let's - and get that into the -

15 MR. CARLISLE: We've - yeah, it's been in the packet a
16 couple of times. I wasn't sure if we were going to discuss that
17 today. It didn't get in today, obviously.

18 MEMBER LAMARE: And I believe that Dennis, being the
19 other Committee member on this, needs to read it and weigh in.

20 CHAIR WEISSER: And Dennis has just assured me he will.
21 And the reason that your mic isn't standing up is one of my ways
22 of controlling Committee participation, Roger. But please go
23 right ahead.

24 MEMBER NICKEY: How about a blind comment card that all
25 of us out in the smog check world just handed the customer while

1 their car was being tested that they could - how's your
2 experience? What do you think of the program? Blah, blah,
3 blah, and they could just send it in. I wouldn't see it. Is
4 that a valid way of collecting data?

5 CHAIR WEISSER: It collects data. We have surveying,
6 sampling experts that will tell you, I'm sure, that the people
7 who tend to send those in are motivated for one reason or
8 another. So you get segment of the population sending those
9 cards in who tend not to be reflective of the whole population,
10 but they still provide you with valuable information. Because
11 if they're happy enough, as I was when I had my smog check done
12 recently, or unhappy enough to send in, they're not the broad
13 middle of the public who basically say, oh, God. I had to do
14 this crap again. Well, I got through it. Don't worry about it
15 for two more years. But to me that - you know - that's a cheap
16 way of getting feedback, so I think that's a heck of an idea.
17 Any other comments from the Committee? Is there a comment back
18 there, Mr. Gould?

19 MR. GOULD: I do have a comment that why don't we
20 provide consumers - I'm sorry.

21 MR. CARLISLE: Don't start the timer.

22 MR. GOULD: Steve Gould. The BAR used to - what?
23 The BAR used to run a consumer satisfaction survey and I don't
24 know if they're still doing it. Are they, Alan? That's the
25

1 equivalent of what you were suggesting because it really did
2 give consumers a card and say mail it in. So it's there.

3 CHAIR WEISSER: We have a member of BAR, part of
4 consumer affairs, who -

5 MR. COPPAGE: Alan Coppage, Bureau of Automotive
6 Repair. Just for clarification, that consumer survey card is
7 associated with the complaint mediation process -

8 CHAIR WEISSER: Yeah.

9 MR. COPPAGE: - as a result of how well the mediation
10 went for consumers. Just for clarification's sake.

11 CHAIR WEISSER: All right. I'm still kind of attracted
12 to the notion that Roger put forward. I think that's something
13 that you guys might want to think about. You don't even have to
14 give it to the consumer. What you could do is you could do it
15 to each of the - piles of them to each of the stations and the
16 stations can hand it to the consumer. Whatever. Jude.

17 MEMBER LAMARE: Well, you'll recall that our consumer
18 survey was focused on failed vehicle owners and I think you
19 could get a lot of data from people who are just zipping through
20 smog check and it won't really tell us much about how the
21 program's working because what we're concerned about is the
22 failed vehicle owner experience. And particularly on these
23 decisions about getting it fixed, and how long it took, and how
24 much they paid, and so on.

1 CHAIR WEISSER: Okay. With that folks, I'm just going
2 to open it up to our normal public comment period and ask folks
3 to share whatever thoughts they might have. And I'll ask Mr.
4 Peters to go first.

5 MR. PETERS: Mr. Chairman, Committee, my name is
6 Charlie Peters, Clean Air Performance Professionals representing
7 a Coalition of Motorists. Back at the start of your evaluation
8 for your report to the legislature, I provided you a document.
9 The document, one of the things on it for your evaluation was
10 cars that slipped by like U-haul, Safety Clean, and the zip
11 codes that aren't matched. After an interesting process I came
12 across a report from the Air Resources Board indicating there
13 were 1.43 million of those daily rental trucks in California,
14 what percentage of the fleet of trucks in California is that.
15 And then we're talking about what he report was about was the
16 out of state plated California used vehicles. And then of
17 course, the other part of that is the California plated zip
18 coded out of the area so they don't have to get a smog check,
19 which wasn't discussed at all. So maybe that's another 1.43
20 million cars. I don't know, and then how about the rest of the
21 truck fleet? Since we're talking about this little segment, how
22 about the rest of the truck fleet? And how about the rest of
23 the cars? So are we talking about ten million cars, Mr.
24 Weisser? I don't know. I think it's appropriate for the
25 Committee to find out if in fact we've got a whole bunch of

1 people escaping this program, a huge reduction in emissions
2 available if anybody cared. And I think it's appropriate for
3 the Committee to give that some consideration. We have cars
4 with out of state plates. We have cars that are plated in
5 California, registered in Chicago, Nevada, the far corner of
6 California that don't get a smog check ever. And it doesn't
7 appear as though you, Mr. Chairman, and this Committee gives one
8 damn about that, but you certainly give a damn about trying to
9 get every shop in the state to pay \$4000 for a piece of
10 equipment that won't do a damn thing.

11 MEMBER WILLIAMS: Mr. Peters, could I ask you a
12 question on your casual empiricism of driving here today, how
13 many out of state drivers did you see on the road?

14 MR. PETERS: I wasn't paying any attention to that.
15 Probably, just as a guess, probably 50, 100.

16 MEMBER WILLIAMS: Out of how many? At what percent?

17 MR. PETERS: I did not survey it, Dr. Williams.

18 MEMBER WILLIAMS: Maybe under one in 100, probably,
19 right?

20 MR. PETERS: There's 1.43 million daily rental
21 trucks that are under that (unclear). (overlapping)

22 MEMBER WILLIAMS: I doubt that very much. If there
23 are 25 million registered vehicles in the state of California,
24 that would be about one in every twenty cars one passes on the
25 road is a rental truck. That doesn't sound right.

1 MR. PETERS: According to this report that I have in
2 my hand that says it's from the Air Resources Board, that's what
3 it says.

4 CHAIR WEISSER: And it says -

5 MR. PETERS: You might contact them and ask them
6 about their data. That supposedly came from the Department of
7 Motor Vehicles, sir.

8 MEMBER WILLIAMS: I'm suspicious of that and as I
9 mentioned to you, the out of state registration that a
10 California registration cannot be more than about 200 thousand,
11 if that, out of 25 million. I think we're talking about
12 relatively small numbers. Actually, I'm not saying we shouldn't
13 pay attention to them but I don't think they're that big.

14 MR. PETERS: I just say that somebody ought to take
15 a look at it and I think that that data ought to be available
16 from the remote sensing and so on. There ought to be a way of
17 looking at that.

18 CHAIR WEISSER: And I have a recollection of Mr.
19 Cacette (phonetic) talking about that with this Committee a
20 couple years ago where he had indicated that the percentage of
21 rental trucks was minute, as you were saying, Jeffrey. I'm
22 trying to remember about what time it was so we could - you know
23 - direct you to look at that transcript that might have more
24 numbers. I don't know what you're waiving in your hand,
25

1 Mr. Peters, in terms of a study, if that's the ARB numbers.

2 That's what you're -

3 MR. PETERS: That's the report that I provided to
4 the Committee and when you were here as chair, I believe, sir.

5 CHAIR WEISSER: And perhaps what you might -

6 MR. PETERS: And it's on the record, sir.

7 CHAIR WEISSER: What you might want to do is check with
8 Sylvia to show her the data that you're indicating is in the
9 report and follow up in terms of that data set. Thank you very
10 much, Mr. Peters. Mr. Ward.

11 MR. WARD: Mr. Chair, Committee members. Dr. Lamare, I
12 think you were very much on point that the roadside data is
13 absolutely necessary. There needs to be something with regard
14 to fast pass. I certainly understand that from an economic
15 perspective the shop owners need to have fast pass, but there
16 ought to be some ability to statistically analyze complete tests
17 so that that data is available.

18 And secondly, I think - you know - rather than complain - I
19 mean - there are opportunities here even in light of the
20 economic environment that all shops are facing, both test only
21 and test and repair. And I think one of the things that I saw
22 as a bright light, and certainly my people are using it to their
23 advantage to try to think conceptually about how the market as
24 an industry, is Dr. Lamare's consumer survey. I think it was an
25 excellent job. This Committee spent a lot of time going over

1 each and every one of the questions to that they were
2 thoughtful, and I think she assembled it, and I think it was
3 done with the correct hypothesis from the get go. And it's been
4 very, very helpful, at least to my segment of the industry. So
5 I want to thank you for that. And I guess my question would be
6 how are you distributing that consumer survey?

7 CHAIR WEISSER: Rocky, can you respond to Mr. Ward's
8 question regarding its distribution?

9 MR. WARD: Thank you.

10 MR. CARLISLE: Yes, the distribution went to basically
11 all interested parties, the legislature, and the Governor's
12 office. So there was about 120 copies to the legislature plus
13 the Governor.

14 CHAIR WEISSER: I think we learned a lot through doing
15 that survey in terms of the thought process that we as a
16 Committee have to go through to really be sure what we're trying
17 to find out and then try to model questions that will actually
18 elicit data, try to structure those questions in a way that's
19 fair. I've never yet seen a survey that everyone has agreed
20 with in terms of how the questions are asked and what - but I do
21 think we did pretty well for at least novices as a Committee in
22 terms of defining what we wanted to find out. Yet, there are
23 areas that we would like to see follow-up and I think we need to
24 highlight those areas to the agencies and to ourselves for
25 future follow-up.

1 Any further comments from the audience on any old thing?
2 Outcome of the World Series? No? Okay. Anything further from
3 the Committee? Roger, is your sign up or is that just the auger
4 kicking in?

5 MEMBER NICKEY: No, I've learned to put it up real
6 quick.

7 CHAIR WEISSER: Okay.

8 MEMBER NICKEY: Just a quick comment on the fast pass
9 thing. I'm very familiar with what a huge pain it is to
10 eliminate fast pass for those of us who do a lot of testing, but
11 I might just suggest it could be done on a rolling basis. If I
12 only had to put up with it for two or three days or a week, I
13 could live with it for the statistical data if it provides
14 useful information. But gosh, to give it up for a month or six
15 months, it hurts because it does extend the test, believe me,
16 about a net five minutes.

17 CHAIR WEISSER: Okay. With that, I think our next
18 meeting is Tuesday, November 22nd, which is the 44th anniversary
19 of the slaying of Jack Kennedy, I believe. And until that
20 auspicious date, I will bid everyone here a fond ado. The
21 meeting is adjourned.

22 - MEETING ADJOURNED -
23
24
25

TRANSCRIBER'S CERTIFICATION

This is to certify that I, SUSANNE HUTCHISON, transcribed the tape-recorded public hearing of the Bureau of Automotive Repair dated October 26, 2005; that the pages numbered 1 through 185 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

Dated November 7, 2005.

Susanne Hutchison, Transcriber
Foothill Transcription